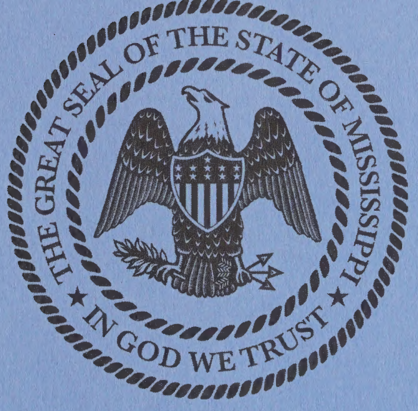
Pamphlet 5

MISSISSIPPI ADVANCE SHEETS

2020 Legislative Session
General Laws



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MISSISSIPPI
GENERAL LAWS
ADVANCE SHEETS
2020

Regular Session

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PREFACE

Contents; publication schedule.

The 2020 Advance Sheets of the General Laws of Mississippi are part of the supplementation service for your official *Mississippi Code of 1972 Annotated,* and consist of a series of pamphlets issued during the 2020 Legislative Session of the State of Mississippi. The purpose of this service is to provide you with the most timely legislative information possible, and to make the most recent changes to the *Mississippi Code* available to you in an easy-to-use format.

The Advance Sheets contain all public acts enacted by the Legislature and approved by the Governor during the 2020 Regular Session. This pamphlet, the fifth in the series, contains the fifth 38 general bills that have become law. This final pamphlet contains the remainder of the acts from the 2020 Regular Session. Appropriation bills and private and local bills are not included in the Advance Sheets.

The acts are arranged in order by House Bill and Senate Bill number, with House Bills appearing first. The final pamphlet will contain a cumulative table of House Bills and Senate Bills and their corresponding chapter numbers.

Summary of acts; tables; index.

To assist you in locating pertinent legislation, the Advance Sheets include several tables and other features prepared by the editorial staff of the publisher. Included in this Pamphlet 5 are the following:

- a **Summary of Acts** summarizing the subject of each act in the pamphlet;
- **Cumulative Legislative Summaries** giving brief descriptions of important legislation;
- a **Cumulative Table of Code Sections Affected** showing the impact of legislation on sections of the *Code*;
- a comprehensive, cumulative **Index**, with headings based on the headings that are used in the general index to the *Code.*

In addition, the following tables have been added to this pamphlet:

- a **Cumulative Allocation of Acts Table** showing each general law and its effect on the section of the Code;
- **Cumulative Tables of House Bills and Senate Bills** and their corresponding chapter numbers.

As an added research feature, we have included an individual **Act Summary** preceding each General Law. This summary contains (1) a description of the act, (2) the legislative history of the act, (3) background information, such as the effective date and disposition of the act, (4) the House and Senate committees to which the act was referred, (5) the principal author of the act, and (6) a list of the *Code* sections affected by the act. To better utilize these act summaries, you should be familiar with the following abbreviations and their meanings:

- Under the heading "Background Information"
  "VRA" = Voting Rights Act
  "App. Req." = Approval Required
- Under the heading "Code Sections"
  "A" = Amended
  "R" = Reenacted
  "RA" = Reenacted and Amended
  "RP" = Repealed
  "BF" = Brought Forward

Treatment of acts in the Advance Sheets.

The most recent General Laws are printed herein exactly as passed. No corrections or other editorial changes have been made.

The Legislature has indicated changes to *Code* materials by using the following symbols:

- Single underscoring of material appearing in an act indicates text that will appear as newly added language in the *Mississippi Code*. For an entirely new section, the section number will be underscored. Double underscoring in the text of an act reflects an amendment to the language of the original bill.
- Triple asterisks (***) appearing in an act indicate the deletion of text from a section of the *Mississippi Code*. Where asterisks appear on a line by themselves, the deletion of one or more paragraphs is indicated.

Treatment of acts in *Mississippi Code of 1972 Annotated.*

It is IMPORTANT to note that the treatment of some legislation, when it later appears in the *Mississippi Code of 1972 Annotated*, may be subject to change for various reasons. For example:

- Certain sections of the acts printed in this Advance Sheet were not assigned *Code* section numbers; in these instances, the publisher's staff of legal analysts will suggest *Code* section designations, and these recommendations will be sent to the Joint Legislative Committee on Compilation, Revision and Publication of Legislation for approval;
- *Code* section number assignments might be changed, pursuant to the authority of the Joint Legislative Committee on Compilation, Revision and Publication of Legislation, because of conflicts with previously existing section numbers or because of other refinements made during the editorial process; or
- Text of sections might be changed, also pursuant to the authority of the Joint Legislative Committee on Compilation, Revision and Publication of Legislation, because of conflicts with other approved legislation from the 2020 Legislative Session.

Any such changes will be reflected in the 2020 *Mississippi Code of 1972 Annotated* supplements and replacement volumes.

PREFACE

Information, suggestions, comments, and questions.

Visit the LexisNexis website at http://www.lexisnexis.com to find an online bookstore, technical support, customer service, and other company information.

Suggestions, comments, or questions about the *Mississippi Code* or the Advance Sheets are always welcome. You may contact us by calling us toll-free at (800) 833-9844, faxing us toll-free at (800) 643-1280, e-mailing us at customer.support@bender.com, or writing to *Mississippi Code* Editor, Matthew Bender & Co., Inc., 555 Middle Creek Parkway, Colorado Springs, CO 80921.

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Summary of Acts

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of important legislation enacted during

2020 Legislative Session

of the

State of Mississippi

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Local option election permitted for dry city, town or village located in wet county, subject to decennial census population limitations. **HB 654**

Prohibited acts regarding sale to underaged person. **SB 2596**

Prohibition laws revised regarding possession of alcoholic beverages. **HB 1087**

Wine purchased from winery and shipment to package retailer within state, authorized. **HB 1088**

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AMUSEMENT RIDE SAFETY

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ANIMAL CRUELTY

Revision and enhancement of offenses against domesticated dogs and cats. **SB 2658**

BABY DROP-OFF LAW

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BANKS AND FINANCIAL INSTITUTIONS

Delay of financial transaction pending determination of possible exploitation of vulnerable adults. **HB 940**

CARLY'S LAW

Prohibition of sex offender having future contact with victim. **SB 2009**

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Government not to prohibit individual from wearing traditional tribal regalia or objects of cultural significance at public event. **SB 2595**

LEGISLATIVE SUMMARIES

COLLEGES AND UNIVERSITIES

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Postsecondary education COVID-19 mitigation relief program act enacted to provide funding for higher education. **HB 1793**

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COVID-19 RELIEF

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Back-to-business liability assurance and health care emergency response liability protection act. **SB 3049**

Driver's licenses, shortening of period for possession of learner's permit or intermediate license prior to application for driver's license. **SB 3052**

Elections, protections for poll workers. **HB 824**

Electric cooperatives broadband COVID-19 act. **SB 3046**

Finance and administration department, time period for disposition of funds in COVID-19 fund. **SB 3053**

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DRUGS AND CONTROLLED SUBSTANCES

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ELECTRIC COOPERATIVES BROADBAND COVID-19 ACT

Enacted to expand rural broadband capacity. **SB 3046**

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Roth IRA's exempt from seizure. **HB 1071**

FIREARMS AND OTHER WEAPONS

Church protection act, license requirements for persons possessing firearms. **HB 1018**

HEMP CULTIVATION ACT. SB 2725

HOSPICE CARE

Prescription of controlled substances for pain by hospice medical director permitted without face-to-face visit. **HB 1520**

HUNTING

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INCENTIVES TRANSPARENCY FOR A PROSPEROUS MISSISSIPPI ACT. SB 2563

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COVID-19 relief, tax effects of payments received or indebtedness cancelled. **HB 1748**

Individual taxpayer permitted to designate two bank accounts for direct deposit of refund. **HB 597**

Interest rate on unpaid taxes made consistent with rate provided in other provisions of law. **HB 859**

INDIVIDUAL RETIREMENT ACCOUNTS

Roth IRA's exempt from seizure under execution or attachment. **HB 1071**

LIMITED LIABILITY COMPANIES

Foreign limited liability company registration may be administratively revoked for tax delinquencies. **SB 2510**

MARKETPLACE FACILITATOR ACT OF 2020

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MILITARY FAMILY FREEDOM ACT

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MISSISSIPPI CODE AND REPORTS

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MISSISSIPPI COUNTY AND MUNICIPALITY EMERGENCY RELIEF PROGRAM

COVID-19 relief program to be administered by the emergency management agency. **SB 3047**

MISSISSIPPI ELECTRIC COOPERATIVES BROADBAND COVID-19 ACT

Enacted to expand rural broadband capacity. **SB 3046**

MISSISSIPPI HEMP CULTIVATION ACT. SB 2725

MISSISSIPPI LEARN TO EARN ACT

High school to work opportunities. **HB 1336**

MISSISSIPPI REAL PROPERTY TRANSFER-ON-DEATH ACT. SB 2851

MOTOR VEHICLES

Accidents, requirement to move vehicles for accidents not causing serious injury or death. **HB 811**

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NOTARIES PUBLIC

Revised Mississippi law on notarial acts, enacted. **HB 1156**

PARTITION

Uniform partition of heir property act, enacted. **SB 2553**

PROPERTY TAXES

Persons and property having escaped taxation due to inadvertent extension of time permitted to pay without penalties and interest. **HB 697**

PUBLIC ASSISTANCE

Right of state auditor to examine tax returns necessary for auditing benefits administered by the United States Department of Health and Human Services and the Department of Agriculture. **SB 2257**

PUBLIC OFFICERS AND EMPLOYEES

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PUBLIC UTILITIES

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REAL ESTATE LICENSEES

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REAL PROPERTY TRANSFER-ON-DEATH ACT. SB 2851

RIGHT TO TRY ACT

Applicability to traumatic injuries and adult autologous mesenchymal stem cell treatments. **SB 2830**

ROSE ISABEL WILLIAMS MENTAL HEALTH REFORM ACT OF 2020. SB 2610

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SCHOOL BUSES

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SCHOOLS AND EDUCATION

Clarifying employment status of employees of school of the arts, and the schools for the deaf and the blind. **HB 667**

Equity in distance learning act enacted to provide distance learning and online services. **SB 3044**

Hunter safety education authorized as part of curriculum or after school programs. **HB 1577**

Mississippi Learn To Earn Act, enacted to provide high school to work opportunities. **HB 1336**

State board of education permitted to delegate administrative powers and duties as trustees regarding the schools for the deaf and the blind. **HB 667**

SEAL OF STATE OF MISSISSIPPI

In God We Trust, language added to state seal. **SB 2131**

SEX OFFENDER REGISTRATION

Carly's law enacted, prohibition of sex offender having future contact with victim. **SB 2009**

STATE FLAG

Creation of commission to redesign Mississippi state flag. **HB 1796**

TAXATION

Foreign limited liability company registration may be administratively revoked for tax delinquencies. **SB 2510**

Individual taxpayer permitted to designate two bank accounts for direct deposit of refund. **HB 597**

Interest rate on unpaid taxes made consistent with rate provided in other provisions of law. **HB 859**

TERMINATION OF PARENTAL RIGHTS

County courts, when court has original exclusive jurisdiction over proceedings. **HB 1129**

UNIFORM PARTITION OF HEIR PROPERTY ACT. SB 2553

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Prohibited acts regarding sale to or possession by underaged person. **SB 2596**

VETERANS

Mississippi veterans honor medal program created to recognize and thank veterans for honorable military service. **SB 2821**

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
1-1-11	Amended	390	hb0493	4	3
3-3-16	Repealed	427	hb1796	5	3
7-3-7	Amended	381	sb2131	1	2
9-5-13	Amended	474	hb1490	7	3
9-7-45	Amended	474	hb1490	5	3
9-7-46	Amended	474	hb1490	6	3
9-7-63	Added	474	hb1490	3	3
9-7-64	Added	474	hb1490	4	3
11-21-5	Amended	443	sb2553	14	4
15-1-83	Added	377	sb2430	1	2
15-1-85	Added	377	sb2430	2	2
19-7-25	Amended	390	hb0493	1	3
19-7-31	Amended	390	hb0493	3	3
19-25-65	Amended	390	hb0493	2	3
19-25-74	Amended	411	sb2680	1	5
21-19-11	Amended	317	hb0444	1	2
21-23-7	Amended	368	hb0273	1	2
21-27-207	Reenacted	473	sb2311	1	3
21-33-303	Amended	481	hb0023	1	3
23-15-153	Amended	460	hb0824	1	3
23-15-227	Amended	460	hb0824	2	3
23-15-229	Amended	460	hb0824	3	3
23-15-235	Amended	362	hb1523	1	2
23-15-351	Amended	427	hb1796	3	5
23-15-355	Amended	427	hb1796	4	5
23-15-625	Amended	472	hb1521	9	3
23-15-627	Amended	472	hb1521	5	3
23-15-629	Amended	472	hb1521	10	3
23-15-631	Amended	472	hb1521	11	3
23-15-635	Amended	472	hb1521	12	3
23-15-637	Amended	472	hb1521	1	3
23-15-639	Amended	472	hb1521	13	3
23-15-641	Amended	472	hb1521	14	3
23-15-645	Amended	472	hb1521	3	3
23-15-647	Amended	472	hb1521	15	5
23-15-649	Amended	472	hb1521	4	3
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23-15-731	Amended	472	hb1521	18	3
23-15-733	Amended	472	hb1521	19	3
23-15-735	Amended	472	hb1521	20	3
25-1-77	Amended	417	hb1566	3	3
25-3-3	Amended	354	hb1063	1	2
25-3-3	Amended	435	hb0415	1	3
25-3-17	Amended	435	hb0415	2	3
25-3-19	Amended	435	hb0415	3	3
25-3-29	Amended	435	hb0415	4	3

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
25-3-36	Amended	435	hb0415	5	3
25-3-63	Added	302	hb1647	1	1
25-7-1	Amended	382	hb1156	30	2
25-7-9	Amended	400	hb1175	1	3
25-7-29	Repealed	382	hb1156	34	2
25-15-303	Amended	333	hb0676	1	2
25-15-409	Amended	471	sb3052	3	5
25-31-5	Amended	474	hb1490	1	3
25-31-10	Amended	474	hb1490	2	3
25-33-1	Repealed	382	hb1156	35	2
25-33-3	Repealed	382	hb1156	35	2
25-33-5	Repealed	382	hb1156	35	2
25-33-7	Repealed	382	hb1156	35	2
25-33-9	Repealed	382	hb1156	35	2
25-33-11	Repealed	382	hb1156	35	2
25-33-13	Repealed	382	hb1156	35	2
25-33-15	Repealed	382	hb1156	35	2
25-33-17	Repealed	382	hb1156	35	2
25-33-19	Repealed	382	hb1156	35	2
25-33-21	Repealed	382	hb1156	35	2
25-33-23	Repealed	382	hb1156	35	2
25-33-25	Repealed	382	hb1156	35	2
25-33-27	Repealed	382	hb1156	35	2
25-33-29	Repealed	382	hb1156	35	2
25-33-31	Repealed	382	hb1156	35	2
25-33-33	Repealed	382	hb1156	35	2
27-7-15	Amended	421	hb1748	1	5
27-7-22.31	Amended	453	hb1729	1	3
27-7-22.32	Amended	453	hb1729	4	3
27-7-22.39	Amended	453	hb1729	3	3
27-7-22.41	Amended	453	hb1729	2	3
27-7-39	Amended	318	hb0597	1	2
27-7-83	Amended	301	sb2257	1	1
27-10-1	Repealed	406	sb2851	87	5
27-10-3	Repealed	406	sb2851	87	5
27-10-5	Repealed	406	sb2851	87	5
27-10-7	Repealed	406	sb2851	87	5
27-10-9	Repealed	406	sb2851	87	5
27-10-11	Repealed	406	sb2851	87	5
27-10-13	Repealed	406	sb2851	87	5
27-10-15	Repealed	406	sb2851	87	5
27-10-17	Repealed	406	sb2851	87	5
27-10-19	Repealed	406	sb2851	87	5
27-10-21	Repealed	406	sb2851	87	5
27-10-23	Repealed	406	sb2851	87	5
27-10-25	Repealed	406	sb2851	87	5
27-15-107	Amended	372	hb0859	1	2
27-19-21	Amended	463	sb2821	6	5
27-19-23	Amended	463	sb2821	7	5
27-19-44	Amended	457	sb2288	63	3
27-19-56	Amended	457	sb2288	52	3
27-19-56.12	Amended	457	sb2288	54	3
27-19-56.40	Added	457	sb2288	34	3

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
27-19-56.62	Amended	457	sb2288	55	3
27-19-56.67	Amended	457	sb2288	50	3
27-19-56.85	Amended	457	sb2288	56	3
27-19-56.90	Amended	457	sb2288	49	3
27-19-81	Amended	380	sb2660	2	2
27-25-519	Amended	325	hb0977	1	2
27-25-717	Amended	325	hb0977	2	2
27-31-55	Amended	439	sb3048	1	5
27-31-81	Amended	372	hb0859	2	2
27-33-31	Amended	438	sb2290	1	3
27-35-157	Amended	394	hb0697	1	3
27-35-163	Amended	372	hb0859	3	2
27-35-301	Amended	373	hb0863	1	2
27-35-303	Amended	373	hb0863	2	2
27-35-305	Amended	373	hb0863	3	2
27-35-309	Amended	373	hb0863	4	2
27-35-311	Amended	373	hb0863	5	2
27-35-313	Amended	373	hb0863	6	2
27-35-325	Amended	373	hb0863	7	2
27-35-513	Amended	373	hb0863	8	2
27-35-703	Amended	373	hb0863	9	2
27-41-9	Amended	372	hb0859	4	2
27-51-41	Amended	457	sb2288	64	3
27-51-103	Amended	338	sb2365	1	2
27-55-7	Amended	323	hb0866	1	2
27-55-13	Amended	323	hb0866	9	2
27-55-507	Amended	323	hb0866	2	2
27-55-523	Amended	323	hb0866	10	2
27-57-5	Amended	323	hb0866	5	2
27-57-7	Amended	323	hb0866	3	2
27-57-9	Amended	323	hb0866	6	2
27-57-11	Amended	323	hb0866	7	2
27-57-13	Amended	323	hb0866	13	2
27-57-17	Amended	323	hb0866	8	2
27-59-7	Amended	323	hb0866	4	2
27-59-13	Amended	323	hb0866	11	2
27-59-311	Amended	323	hb0866	12	2
27-65-7	Amended	425	hb0379	1	3
27-65-9	Amended	425	hb0379	2	3
27-65-17	Amended	336	sb2319	1	2
27-65-27	Amended	449	hb0865	1	3
27-65-33	Amended	372	hb0859	5	2
27-65-53	Amended	372	hb0859	6	2
27-65-101	Amended	453	hb1729	5	3
27-65-241	Amended	314	hb0917	47	2
27-67-3	Amended	425	hb0379	3	3
27-67-11	Amended	425	hb0379	4	3
27-67-19	Amended	372	hb0859	7	2
27-67-31	Amended	425	hb0379	5	3
27-67-35	Amended	441	sb2362	1	3
27-69-5	Brought Forward	331	hb1486	2	2
27-69-9	Amended	331	hb1486	1	2

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
27-69-41	Amended	372	hb0859	8	2
27-71-5	Amended	429	sb2545	3	4
27-71-29	Amended	428	sb2333	2	3
27-71-301	Amended	314	hb0917	48	2
27-71-301	Amended	347	sb2552	3	2
27-71-303	Amended	314	hb0917	49	2
27-71-303	Brought Forward	347	sb2552	4	2
27-71-307	Amended	314	hb0917	50	2
27-71-311	Amended	314	hb0917	51	2
27-71-315	Amended	314	hb0917	52	2
27-71-317	Amended	314	hb0917	53	2
27-71-325	Amended	314	hb0917	54	2
27-71-327	Amended	314	hb0917	55	2
27-71-331	Amended	372	hb0859	9	2
27-71-333	Amended	314	hb0917	56	2
27-71-335	Amended	314	hb0917	57	2
27-71-345	Amended	314	hb0917	58	2
27-71-349	Amended	314	hb0917	59	2
27-71-509	Amended	314	hb0917	60	2
27-77-5	Amended	448	hb0861	1	3
27-104-301	Amended	444	sb2583	1	5
27-19-56.125	Amended	457	sb2288	57	3
27-19-56.140	Added	457	sb2288	35	3
27-19-56.162	Amended	457	sb2288	58	3
27-19-56.186	Amended	457	sb2288	59	3
27-19-56.187	Amended	457	sb2288	60	3
27-19-56.199	Amended	457	sb2288	61	3
27-19-56.205	Added	457	sb2288	36	3
27-19-56.306	Amended	457	sb2288	37	3
27-19-56.308	Amended	457	sb2288	38	3
27-19-56.310	Amended	457	sb2288	39	3
27-19-56.311	Amended	457	sb2288	40	3
27-19-56.331	Amended	457	sb2288	41	3
27-19-56.369	Amended	457	sb2288	42	3
27-19-56.371	Amended	457	sb2288	47	3
27-19-56.377	Amended	457	sb2288	51	3
27-19-56.400	Amended	457	sb2288	43	3
27-19-56.425	Amended	457	sb2288	48	3
27-19-56.430	Amended	457	sb2288	44	3
27-19-56.431	Amended	457	sb2288	45	3
27-19-56.450	Amended	457	sb2288	62	3
27-19-56.480	Amended	457	sb2288	46	3
29-1-3	Amended	365	hb1439	1	2
29-1-81	Amended	358	hb1332	1	2
29-3-82	Amended	365	hb1439	2	2
29-3-113	Amended	313	sb2565	1	2
31-7-1	Amended	369	hb0667	5	2
31-7-9	Amended	366	hb0266	1	2
31-7-13	Amended	488	sb3044	10	5
31-7-103	Amended	349	hb0494	1	2
31-7-119	Amended	349	hb0494	2	2
31-19-25	Amended	480	hb0024	1	3

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
31-41-47	Amended	330	hb1176	1	2
33-13-155	Amended	345	sb2611	1	2
33-13-157	Amended	345	sb2611	2	2
33-13-159	Amended	345	sb2611	3	2
33-15-307	Amended	469	hb0524	1	3
35-3-13	Amended	407	sb2125	1	3
37-3-2	Amended	348	sb2511	1	2
37-7-104.4	Amended	311	sb2506	1	2
37-7-315	Brought Forward	370	hb0669	2	2
37-11-27	Amended	309	sb2283	1	2
37-13-89	Amended	315	hb0263	1	2
37-17-13	Amended	340	sb2509	1	2
37-39-1	Amended	369	hb0667	4	2
37-61-33	Amended	478	hb0127	1	3
37-106-55	Amended	339	sb2353	1	2
37-106-75	Amended	332	hb0274	1	2
37-140-5	Amended	369	hb0667	6	2
37-153-5	Amended	476	sb2564	1	5
37-153-7	Amended	476	sb2564	2	5
37-153-11	Amended	476	sb2564	3	5
37-153-13	Amended	476	sb2564	4	5
37-153-17	Added	476	sb2564	8	5
37-155-9	Amended	346	sb2881	1	2
37-159-1	Amended	312	sb2508	1	2
37-159-5	Amended	312	sb2508	2	2
37-159-7	Amended	312	sb2508	3	2
37-159-9	Amended	312	sb2508	4	2
37-159-11	Amended	312	sb2508	5	2
37-159-11	Amended	396	hb0751	1	3
37-159-13	Amended	312	sb2508	6	2
37-159-17	Amended	312	sb2508	7	2
37-159-19	Added	312	sb2508	8	2
37-181-1	Reenacted	386	sb2594	1	2
37-181-3	Amended	386	sb2594	2	2
37-181-5	Amended	386	sb2594	3	2
37-181-7	Amended	386	sb2594	4	2
37-181-9	Amended	386	sb2594	5	2
37-181-11	Amended	386	sb2594	6	2
37-181-13	Amended	386	sb2594	7	2
37-181-15	Amended	386	sb2594	8	2
37-181-17	Amended	386	sb2594	9	2
37-181-19	Reenacted	386	sb2594	10	2
37-181-21	Reenacted	386	sb2594	11	2
37-181-23	Added	386	sb2594	12	2
39-5-5	Note	351	hb1000	1	2
39-5-145	Amended	492	hb1730	24	4
41-3-15	Reenacted	473	sb2311	2	3
41-3-18	Reenacted	473	sb2311	3	3
41-3-65	Reenacted	473	sb2311	4	3
41-4-7	Amended	479	sb2610	8	5
41-9-9	Reenacted	473	sb2311	5	3
41-19-33	Amended	479	sb2610	9	5

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
41-26-23	Reenacted	473	sb2311	6	3
41-26-101	Amended	430	sb2674	1	5
41-26-101	Reenacted	473	sb2311	7	3
41-29-105	Amended	413	sb2725	14	5
41-29-113	Amended	413	sb2725	13	5
41-29-136	Amended	413	sb2725	15	5
41-29-137	Amended	363	hb1520	2	2
41-58-3	Amended	473	sb2311	8	3
41-59-11	Reenacted	473	sb2311	9	3
41-59-17	Reenacted	473	sb2311	10	3
41-59-23	Reenacted	473	sb2311	11	3
41-59-33	Reenacted	473	sb2311	12	3
41-59-35	Reenacted	473	sb2311	13	3
41-59-65	Reenacted	473	sb2311	14	3
41-59-79	Reenacted	473	sb2311	15	3
41-67-12	Reenacted	473	sb2311	16	3
41-67-25	Reenacted	473	sb2311	17	3
41-67-37	Reenacted	473	sb2311	18	3
41-67-39	Reenacted	473	sb2311	19	3
41-71-5	Reenacted	473	sb2311	20	3
41-71-7	Reenacted	473	sb2311	21	3
41-75-7	Reenacted	473	sb2311	22	3
41-75-9	Reenacted	473	sb2311	23	3
41-77-9	Reenacted	473	sb2311	24	3
41-77-25	Reenacted	473	sb2311	25	3
41-85-7	Reenacted	473	sb2311	26	3
41-99-1	Amended	416	sb2626	1	5
41-99-3	Amended	416	sb2626	2	5
41-99-5	Amended	416	sb2626	3	5
41-99-7	Amended	416	sb2626	4	5
41-113-11	Amended	478	hb0127	2	3
41-121-1	Reenacted	393	hb0686	1	3
41-121-3	Reenacted	393	hb0686	2	3
41-121-5	Reenacted	393	hb0686	3	3
41-121-7	Reenacted	393	hb0686	4	3
41-121-9	Reenacted	393	hb0686	5	3
41-121-11	Amended	393	hb0686	6	3
41-125-7	Reenacted	473	sb2311	27	3
41-131-1	Amended	384	sb2830	1	2
43-5-1	Amended	369	hb0667	1	2
43-5-8	Amended	369	hb0667	2	2
43-5-13	Amended	369	hb0667	3	2
43-11-7	Reenacted	473	sb2311	28	3
43-11-8	Reenacted	473	sb2311	29	3
43-11-9	Reenacted	473	sb2311	30	3
43-11-13	Reenacted	473	sb2311	31	3
43-13-121	Amended	379	sb2486	1	2
43-15-51	Amended	493	hb1559	8	3
43-15-201	Amended	389	hb0096	1	3
43-15-207	Amended	389	hb0096	2	3
43-16-25	Reenacted	473	sb2311	32	3
43-19-33	Amended	466	sb2877	1	5
43-20-8	Reenacted	473	sb2311	33	3

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
43-20-11	Reenacted	473	sb2311	34	3
43-20-13	Reenacted	473	sb2311	35	3
43-20-59	Reenacted	473	sb2311	36	3
43-21-301	Amended	329	hb1131	1	2
43-21-303	Amended	329	hb1131	2	2
43-21-505	Amended	436	hb1286	1	3
43-21-609	Amended	327	hb1127	1	2
43-26-1	Amended	493	hb1559	6	3
43-26-3	Added	493	hb1559	7	3
45-1-12	Amended	391	hb0264	1	3
45-6-3	Amended	359	hb1434	1	2
45-6-11	Amended	361	hb1500	1	2
45-9-101	Amended	314	hb0917	61	2
45-9-101	Amended	408	sb2225	1	3
45-9-171	Amended	398	hb1018	1	3
45-11-7	Amended	431	hb1253	1	3
45-14-31	Reenacted	473	sb2311	37	3
45-23-23	Reenacted	473	sb2311	38	3
45-23-41	Reenacted	473	sb2311	39	3
45-23-45	Reenacted	473	sb2311	40	3
45-23-53	Reenacted	473	sb2311	41	3
45-33-25	Amended	477	hb1371	10	3
45-33-27	Amended	477	hb1371	11	3
45-33-29	Amended	477	hb1371	12	3
45-33-31	Amended	477	hb1371	13	3
45-33-33	Amended	477	hb1371	14	3
45-33-35	Amended	477	hb1371	15	3
45-33-63	Added	446	sb2009	1	3
45-35-3	Amended	477	hb1371	4	3
45-45-27	Amended	447	hb0773	3	3
47-5-6	Amended	414	hb0851	1	3
47-5-24	Amended	465	sb2696	1	5
47-5-26	Amended	485	hb0685	7	3
47-5-28	Amended	485	hb0685	8	3
47-5-471	Amended	485	hb0685	9	3
47-5-901	Reenacted	456	sb2279	1	3
47-5-901	Amended	485	hb0685	1	3
47-5-903	Reenacted	456	sb2279	2	3
47-5-903	Reenacted	485	hb0685	2	3
47-5-905	Reenacted	456	sb2279	3	3
47-5-905	Reenacted	485	hb0685	3	3
47-5-907	Reenacted	456	sb2279	4	3
47-5-907	Reenacted	485	hb0685	4	3
47-5-909	Reenacted	456	sb2279	5	3
47-5-909	Reenacted	485	hb0685	5	3
47-5-911	Amended	456	sb2279	6	3
47-5-911	Amended	485	hb0685	6	3
47-5-931	Amended	464	sb2684	1	5
47-5-933	Amended	464	sb2684	2	5
47-7-3	Amended	469	sb2469	1	4
49-1-29	Amended	307	sb2722	2	2
49-7-20	Amended	364	hb1577	2	2
49-7-31	Amended	308	sb2723	1	2

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
49-7-31.2	Amended	308	sb2723	2	2
49-7-31.3	Amended	308	sb2723	3	2
49-7-31.4	Amended	308	sb2723	4	2
49-7-58.1	Amended	307	sb2722	3	2
49-7-58.2	Amended	307	sb2722	4	2
49-15-9	Amended	319	hb0632	1	2
49-15-11	Amended	418	hb0827	1	3
49-15-15	Amended	418	hb0827	7	3
49-15-25	Amended	418	hb0827	8	3
49-15-78	Amended	410	sb2720	1	5
49-15-301	Amended	418	hb0827	2	3
49-15-303	Amended	418	hb0827	3	3
49-15-304	Amended	418	hb0827	4	3
49-15-305	Amended	418	hb0827	5	3
49-15-307	Amended	418	hb0827	6	3
49-17-14	Amended	352	hb1028	1	2
49-17-16	Amended	352	hb1028	2	2
49-17-30	Amended	352	hb1028	3	2
49-17-32	Amended	352	hb1028	4	2
49-17-85	Amended	492	hb1730	17	4
49-19-115	Amended	392	hb0684	1	3
51-5-3	Amended	367	hb0117	1	2
57-1-14	Amended	482	sb2563	7	4
57-1-18	Amended	492	hb1730	12	4
57-1-64.1	Amended	490	hb1791	5	5
57-1-221	Amended	492	hb1730	14	4
57-1-701	Amended	492	hb1730	5	4
57-26-1	Amended	440	sb2847	1	5
57-26-5	Amended	440	sb2847	2	5
57-46-1	Amended	492	hb1730	30	4
57-61-25	Amended	492	hb1730	7	4
57-61-36	Amended	492	hb1730	8	4
57-75-15	Amended	492	hb1730	9	4
57-75-15	Amended	492	hb1730	9	4
57-87-5	Amended	453	hb1729	6	3
57-87-7	Amended	453	hb1729	7	3
59-5-37	Amended	404	sb2273	1	3
63-1-9	Amended	471	sb3052	1	5
63-1-13	Amended	477	hb1371	1	3
63-1-16	Amended	477	hb1371	2	3
63-1-33	Amended	477	hb1371	5	3
63-1-35	Amended	477	hb1371	3	3
63-1-43	Amended	477	hb1371	6	3
63-1-47	Amended	477	hb1371	7	3
63-1-208	Amended	477	hb1371	8	3
63-1-211	Amended	477	hb1371	9	3
63-5-27	Brought Forward	378	sb2467	2	2
63-5-29	Brought Forward	378	sb2467	3	2
63-5-31	Brought Forward	378	sb2467	4	2
63-5-33	Amended	378	sb2467	1	2

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
63-5-49	Amended	380	sb2660	1	2
63-5-52	Amended	385	sb2716	1	2
63-17-74	Amended	462	hb0359	2	3
63-21-15	Amended	324	hb0869	1	2
63-21-15	Amended	335	sb2099	1	2
65-4-5	Amended	451	hb1383	1	3
65-4-15	Amended	451	hb1383	2	3
65-4-25	Amended	492	hb1730	10	4
65-43-3	Amended	452	hb1080	1	3
67-1-3	Amended	423	hb1087	1	3
67-1-5	Amended	314	hb0917	37	2
67-1-5	Amended	429	sb2545	6	4
67-1-5	Amended	458	sb2253	1	3
67-1-7	Amended	423	hb1087	2	3
67-1-7	Amended	458	sb2253	2	3
67-1-9	Amended	423	hb1087	3	3
67-1-11	Amended	423	hb1087	4	3
67-1-14	Amended	423	hb1087	5	3
67-1-16	Amended	458	sb2253	4	3
67-1-18	Amended	314	hb0917	38	2
67-1-18	Amended	322	hb0858	1	2
67-1-37	Amended	428	sb2333	1	3
67-1-37	Amended	458	sb2253	3	3
67-1-41	Amended	422	hb1088	1	3
67-1-41	Amended	429	sb2545	4	4
67-1-43	Amended	422	hb1088	2	3
67-1-45	Amended	422	hb1088	3	3
67-1-45	Amended	429	sb2545	8	4
67-1-51	Amended	314	hb0917	39	2
67-1-51	Amended	422	hb1088	4	3
67-1-51	Amended	423	hb1087	6	3
67-1-51	Amended	429	sb2545	1	4
67-1-51	Amended	458	sb2253	6	3
67-1-52	Amended	429	sb2545	2	4
67-1-72	Amended	314	hb0917	40	2
67-1-77	Amended	429	sb2545	7	4
67-1-77	Amended	458	sb2253	5	3
67-1-81	Amended	470	sb2596	1	5
67-3-1	Amended	314	hb0917	1	2
67-3-3	Amended	314	hb0917	2	2
67-3-5	Amended	314	hb0917	3	2
67-3-7	Amended	314	hb0917	4	2
67-3-7	Amended	423	hb1087	7	3
67-3-9	Amended	314	hb0917	5	2
67-3-9	Amended	431	hb0654	1	3
67-3-11	Amended	314	hb0917	6	2
67-3-11	Amended	423	hb1087	8	3
67-3-13	Amended	314	hb0917	7	2
67-3-13	Amended	423	hb1087	9	3
67-3-15	Amended	314	hb0917	8	2
67-3-17	Amended	314	hb0917	9	2
67-3-19	Amended	314	hb0917	10	2
67-3-22	Amended	314	hb0917	11	2

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
67-3-22	Amended	347	sb2552	1	2
67-3-25	Amended	314	hb0917	12	2
67-3-27	Amended	314	hb0917	13	2
67-3-28	Amended	314	hb0917	14	2
67-3-29	Amended	314	hb0917	15	2
67-3-41	Amended	314	hb0917	16	2
67-3-45	Amended	314	hb0917	17	2
67-3-46	Amended	314	hb0917	18	2
67-3-48	Amended	314	hb0917	19	2
67-3-48.1	Amended	314	hb0917	20	2
67-3-49	Amended	314	hb0917	21	2
67-3-51	Amended	314	hb0917	22	2
67-3-52	Amended	314	hb0917	23	2
67-3-53	Amended	314	hb0917	24	2
67-3-54	Amended	314	hb0917	25	2
67-3-55	Amended	314	hb0917	26	2
67-3-57	Amended	314	hb0917	27	2
67-3-59	Amended	314	hb0917	28	2
67-3-61	Amended	314	hb0917	29	2
67-3-63	Amended	314	hb0917	30	2
67-3-65	Amended	314	hb0917	31	2
67-3-67	Amended	314	hb0917	32	2
67-3-69	Amended	314	hb0917	33	2
67-3-69	Amended	347	sb2552	2	2
67-3-70	Amended	314	hb0917	34	2
67-3-73	Amended	314	hb0917	35	2
67-3-74	Amended	314	hb0917	36	2
67-5-11	Amended	429	sb2545	5	4
67-7-3	Amended	314	hb0917	41	2
67-7-5	Amended	314	hb0917	42	2
67-7-7	Amended	314	hb0917	43	2
67-7-9	Amended	314	hb0917	44	2
67-7-11	Amended	314	hb0917	45	2
67-9-1	Amended	314	hb0917	46	2
69-1-119	Added	417	hb1566	1	3
69-2-13	Amended	337	sb2328	1	2
69-2-19	Amended	337	sb2328	2	2
69-5-1	Amended	417	hb1566	4	3
69-5-3	Amended	417	hb1566	5	3
69-5-5	Amended	417	hb1566	6	3
69-5-7	Amended	417	hb1566	7	3
69-5-8	Amended	417	hb1566	8	3
69-5-11	Amended	417	hb1566	9	3
69-5-13	Amended	417	hb1566	10	3
69-5-15	Amended	417	hb1566	11	3
69-5-27	Amended	417	hb1566	12	3
69-5-29	Amended	417	hb1566	13	3
69-5-31	Amended	417	hb1566	14	3
69-13-111	Amended	458	hb0576	1	3
69-25-51	Amended	413	sb2725	12	5
69-29-1	Amended	417	hb1566	2	3
69-37-17	Amended	320	hb0687	1	2
71-5-353	Amended	445	sb3051	2	5

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
71-5-353	Amended	476	sb2564	5	5
71-5-355	Amended	445	sb3051	1	5
71-5-453	Amended	476	sb2564	6	5
73-5-1	Reenacted	409	sb2307	1	3
73-5-3	Reenacted	409	sb2307	2	3
73-5-5	Reenacted	409	sb2307	3	3
73-5-7	Reenacted	409	sb2307	4	3
73-5-8	Reenacted	409	sb2307	5	3
73-5-9	Reenacted	409	sb2307	6	3
73-5-11	Reenacted	409	sb2307	7	3
73-5-12	Reenacted	409	sb2307	8	3
73-5-15	Reenacted	409	sb2307	9	3
73-5-17	Reenacted	409	sb2307	10	3
73-5-19	Reenacted	409	sb2307	11	3
73-5-21	Reenacted	409	sb2307	12	3
73-5-23	Reenacted	409	sb2307	13	3
73-5-25	Reenacted	409	sb2307	14	3
73-5-27	Reenacted	409	sb2307	15	3
73-5-29	Reenacted	409	sb2307	16	3
73-5-31	Reenacted	409	sb2307	17	3
73-5-33	Reenacted	409	sb2307	18	3
73-5-35	Reenacted	409	sb2307	19	3
73-5-37	Reenacted	409	sb2307	20	3
73-5-39	Reenacted	409	sb2307	21	3
73-5-41	Reenacted	409	sb2307	22	3
73-5-43	Amended	409	sb2307	23	3
73-5-45	Amended	409	sb2307	24	3
73-6-19	Amended	393	hb0686	7	3
73-7-71	Reenacted	473	sb2311	42	3
73-9-61	Amended	393	hb0686	8	3
73-10-9	Reenacted	473	sb2311	43	3
73-10-11	Reenacted	473	sb2311	44	3
73-10-21	Reenacted	473	sb2311	45	3
73-14-17	Reenacted	473	sb2311	46	3
73-14-19	Reenacted	473	sb2311	47	3
73-14-27	Reenacted	473	sb2311	48	3
73-14-31	Reenacted	473	sb2311	49	3
73-15-11	Amended	374	hb0984	1	2
73-15-29	Amended	393	hb0686	9	3
73-19-23	Amended	393	hb0686	10	3
73-21-69	Amended	419	hb0688	34	3
73-21-71	Reenacted	419	hb0688	1	3
73-21-73	Reenacted	419	hb0688	2	3
73-21-75	Reenacted	419	hb0688	3	3
73-21-77	Reenacted	419	hb0688	4	3
73-21-79	Reenacted	419	hb0688	5	3
73-21-81	Amended	419	hb0688	6	3
73-21-83	Reenacted	419	hb0688	7	3
73-21-85	Reenacted	419	hb0688	8	3
73-21-87	Reenacted	419	hb0688	9	3
73-21-89	Reenacted	419	hb0688	10	3
73-21-91	Reenacted	419	hb0688	11	3
73-21-93	Reenacted	419	hb0688	12	3

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
73-21-95	Reenacted	419	hb0688	13	3
73-21-97	Amended	393	hb0686	11	3
73-21-97	Amended	419	hb0688	14	3
73-21-99	Amended	419	hb0688	15	3
73-21-101	Reenacted	419	hb0688	16	3
73-21-103	Reenacted	419	hb0688	17	3
73-21-105	Reenacted	419	hb0688	18	3
73-21-106	Reenacted	419	hb0688	19	3
73-21-107	Reenacted	419	hb0688	20	3
73-21-108	Reenacted	419	hb0688	21	3
73-21-109	Reenacted	419	hb0688	22	3
73-21-111	Amended	419	hb0688	23	3
73-21-113	Reenacted	419	hb0688	24	3
73-21-115	Reenacted	419	hb0688	25	3
73-21-117	Reenacted	419	hb0688	26	3
73-21-119	Reenacted	419	hb0688	27	3
73-21-121	Reenacted	419	hb0688	28	3
73-21-123	Amended	419	hb0688	29	3
73-21-125	Reenacted	419	hb0688	30	3
73-21-126	Reenacted	419	hb0688	31	3
73-21-127	Reenacted	419	hb0688	32	3
73-21-129	Reenacted	129	hb0688	33	3
73-21-151	Amended	395	hb0708	1	3
73-21-153	Amended	395	hb0708	2	3
73-21-155	Amended	395	hb0708	3	3
73-21-156	Added	395	hb0708	4	3
73-21-157	Amended	395	hb0708	5	3
73-21-159	Amended	395	hb0708	6	3
73-21-161	Added	395	hb0708	7	3
73-21-163	Added	395	hb0708	8	3
73-24-29	Reenacted	473	sb2311	50	3
73-26-5	Amended	393	hb0686	12	3
73-27-13	Amended	393	hb0686	13	3
73-30-9	Amended	371	hb0777	1	2
73-30-29	Amended	371	hb0777	2	2
73-35-7	Amended	355	hb1212	1	2
73-38-31	Reenacted	473	sb2311	51	3
73-39-77	Amended	393	hb0686	14	3
73-47-5	Amended	399	hb1104	1	3
73-47-9	Amended	399	hb1104	2	3
73-50-1	Amended	412	sb2117	1	3
73-55-13	Reenacted	473	sb2311	52	3
73-57-19	Reenacted	473	sb2311	53	3
73-57-21	Reenacted	473	sb2311	54	3
73-57-27	Reenacted	473	sb2311	55	3
73-57-29	Reenacted	473	sb2311	56	3
73-61-1	Reenacted	473	sb2311	57	3
73-61-3	Reenacted	473	sb2311	58	3
73-65-5	Reenacted	473	sb2311	59	3
73-65-9	Reenacted	473	sb2311	60	3
73-65-11	Reenacted	473	sb2311	61	3
75-23-37	Brought Forward	331	hb1486	3	2

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
75-29-805	Reenacted	473	sb2311	62	3
75-29-951	Amended	383	hb0326	1	2
75-31-65	Reenacted	473	sb2311	63	3
75-55-5	Amended	321	hb0689	1	2
75-55-37	Amended	321	hb0689	2	2
75-71-305	Amended	360	hb1440	1	2
75-71-310	Amended	360	hb1440	2	2
75-74-11	Reenacted	473	sb2311	64	3
77-1-1	Amended	387	sb2386	1	2
77-1-3	Reenacted	387	sb2386	2	2
77-1-5	Reenacted	387	sb2386	3	2
77-1-6	Reenacted	387	sb2386	4	2
77-1-11	Amended	387	sb2386	5	2
77-1-15	Amended	387	sb2386	6	2
77-1-17	Repealed	387	sb2386	23	2
77-1-19	Repealed	387	sb2386	24	2
77-1-21	Repealed	387	sb2386	25	2
77-1-25	Reenacted	387	sb2386	7	2
77-1-27	Amended	387	sb2386	8	2
77-1-29	Reenacted	387	sb2386	9	2
77-1-31	Reenacted	387	sb2386	10	2
77-1-33	Reenacted	387	sb2386	11	2
77-1-35	Reenacted	387	sb2386	12	2
77-1-37	Reenacted	387	sb2386	13	2
77-1-39	Reenacted	387	sb2386	14	2
77-1-41	Reenacted	387	sb2386	15	2
77-1-43	Reenacted	387	sb2386	16	2
77-1-47	Reenacted	387	sb2386	17	2
77-1-49	Reenacted	387	sb2386	18	2
77-1-51	Amended	387	sb2386	19	2
77-1-55	Amended	387	sb2386	20	2
77-3-42	Amended	387	sb2386	22	2
77-3-93	Amended	387	sb2386	21	2
77-3-721	Amended	455	sb2194	1	3
77-13-9	Amended	357	hb1334	1	2
79-29-1021	Amended	341	sb2510	1	2
81-18-1	Reenacted	310	sb2427	1	2
81-18-3	Reenacted	310	sb2427	2	2
81-18-5	Reenacted	310	sb2427	3	2
81-18-7	Reenacted	310	sb2427	4	2
81-18-8	Reenacted	310	sb2427	5	2
81-18-9	Reenacted	310	sb2427	6	2
81-18-11	Reenacted	310	sb2427	7	2
81-18-13	Reenacted	310	sb2427	8	2
81-18-14	Reenacted	310	sb2427	9	2
81-18-15	Reenacted	310	sb2427	10	2
81-18-17	Reenacted	310	sb2427	11	2
81-18-19	Reenacted	310	sb2427	12	2
81-18-21	Amended	310	sb2427	13	2
81-18-23	Reenacted	310	sb2427	14	2
81-18-25	Reenacted	310	sb2427	15	2
81-18-27	Reenacted	310	sb2427	16	2
81-18-28	Reenacted	310	sb2427	17	2

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
81-18-29	Reenacted	310	sb2427	18	2
81-18-31	Reenacted	310	sb2427	19	2
81-18-33	Amended	310	sb2427	20	2
81-18-35	Reenacted	310	sb2427	21	2
81-18-36	Reenacted	310	sb2427	22	2
81-18-37	Reenacted	310	sb2427	23	2
81-18-39	Reenacted	310	sb2427	24	2
81-18-40	Reenacted	310	sb2427	25	2
81-18-41	Reenacted	310	sb2427	26	2
81-18-43	Reenacted	310	sb2427	27	2
81-18-45	Reenacted	310	sb2427	28	2
81-18-47	Reenacted	310	sb2427	29	2
81-18-49	Reenacted	310	sb2427	30	2
81-18-51	Repealed	310	sb2427	35	2
81-18-53	Reenacted	310	sb2427	31	2
81-18-55	Reenacted	310	sb2427	32	2
81-18-61	Reenacted	310	sb2427	33	2
81-18-63	Reenacted	310	sb2427	34	2
83-2-3	Amended	447	hb0773	2	3
83-2-7	Amended	447	hb0773	1	3
83-9-3	Brought Forward	420	hb0095	2	5
83-9-5	Amended	140	hb0095	1	3
83-11-101	Amended	305	sb2230	1	2
83-11-551	Amended	306	sb2301	1	2
83-19-151	Amended	316	hb0408	1	2
83-19-157	Amended	316	hb0408	2	2
83-23-203	Amended	304	sb2227	1	2
83-23-205	Amended	304	sb2227	2	2
83-23-209	Amended	304	sb2227	3	2
83-23-211	Amended	304	sb2227	4	2
83-23-215	Amended	304	sb2227	5	2
83-23-217	Amended	304	sb2227	6	2
83-23-221	Amended	304	sb2227	7	2
83-23-223	Amended	304	sb2227	8	2
83-23-225	Amended	304	sb2227	9	2
83-23-235	Amended	304	sb2227	10	2
83-23-239	Added	304	sb2227	11	2
83-75-1	Amended	342	sb2709	1	2
83-75-3	Amended	342	sb2709	2	2
83-75-5	Amended	342	sb2709	3	2
85-3-1	Amended	326	hb1071	1	2
85-7-121	Amended	353	hb1138	1	2
85-7-123	Amended	353	hb1138	2	2
85-7-125	Amended	353	hb1138	3	2
85-7-127	Amended	353	hb1138	4	2
85-7-251	Amended	462	hb0359	1	3
89-3-1	Amended	382	hb1156	31	2
89-3-3	Repealed	382	hb1156	36	2
89-3-5	Repealed	382	hb1156	37	2
89-3-7	Amended	382	hb1156	32	2
89-3-9	Repealed	382	hb1156	38	2
89-3-11	Repealed	382	hb1156	39	2

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
89-3-13	Repealed	382	hb1156	40	2
89-3-15	Repealed	382	hb1156	41	2
89-5-8	Amended	382	hb1156	33	2
89-21-1	Repealed	406	sb2851	88	5
89-21-3	Repealed	406	sb2851	88	5
89-21-5	Repealed	406	sb2851	88	5
89-21-7	Repealed	406	sb2851	88	5
89-21-9	Repealed	406	sb2851	88	5
89-21-11	Repealed	406	sb2851	88	5
89-21-13	Repealed	406	sb2851	88	5
89-21-15	Repealed	406	sb2851	88	5
89-21-17	Repealed	406	sb2851	88	5
89-22-1	Added	406	sb2851	67	5
89-22-3	Added	406	sb2851	68	5
89-22-5	Added	406	sb2851	69	5
89-22-7	Added	406	sb2851	70	5
89-22-9	Added	406	sb2851	71	5
89-22-11	Added	406	sb2851	72	5
89-22-13	Added	406	sb2851	73	5
89-22-15	Added	406	sb2851	74	5
89-22-17	Added	406	sb2851	75	5
89-22-19	Added	406	sb2851	76	5
89-22-21	Added	406	sb2851	77	5
89-22-23	Added	406	sb2851	78	5
89-22-27	Added	406	sb2851	80	5
89-22-29	Added	406	sb2851	81	5
89-22-29	Added	406	sb2851	84	5
89-22-31	Added	406	sb2851	82	5
89-22-31	Added	406	sb2851	85	5
89-22-33	Added	406	sb2851	83	5
89-22-35	Added	406	sb2851	79	5
91-1-1	Amended	343	sb2850	1	2
91-5-35	Amended	343	sb2850	2	2
91-7-1	Amended	343	sb2850	3	2
91-7-33	Amended	343	sb2850	4	2
91-7-259	Repealed	406	sb2851	90	5
91-7-322	Amended	343	sb2850	7	2
91-7-501	Added	406	sb2851	47	5
91-7-503	Added	406	sb2851	48	5
91-7-505	Added	406	sb2851	49	5
91-7-507	Added	406	sb2851	50	5
91-7-509	Added	406	sb2851	51	5
91-7-511	Added	406	sb2851	52	5
91-7-513	Added	406	sb2851	53	5
91-7-515	Added	406	sb2851	54	5
91-7-517	Added	406	sb2851	55	5
91-7-519	Added	406	sb2851	56	5
91-7-521	Added	406	sb2851	57	5
91-7-523	Added	406	sb2851	58	5
91-8-105	Amended	406	sb2851	86	5
91-8-501	Added	406	sb2851	59	5
91-8-502	Added	406	sb2851	60	5
91-8-503	Added	406	sb2851	61	5

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
91-8-504	Added	406	sb2851	62	5
91-8-505	Added	406	sb2851	63	5
91-8-506	Added	406	sb2851	64	5
91-8-507	Added	406	sb2851	65	5
91-8-508	Added	406	sb2851	66	5
91-9-501	Repealed	406	sb2851	89	5
91-9-503	Repealed	406	sb2851	89	5
91-9-505	Repealed	406	sb2851	89	5
91-9-507	Repealed	406	sb2851	89	5
91-9-509	Repealed	406	sb2851	89	5
91-9-511	Repealed	406	sb2851	89	5
91-17-412	Amended	343	sb2850	5	2
91-17-501	Amended	343	sb2850	6	2
91-25-1	Added	406	sb2851	33	5
91-25-3	Added	406	sb2851	34	5
91-25-5	Added	406	sb2851	35	5
91-25-7	Added	406	sb2851	36	5
91-25-9	Added	406	sb2851	37	5
91-25-11	Added	406	sb2851	38	5
91-25-13	Added	406	sb2851	39	5
91-25-15	Added	406	sb2851	40	5
91-25-17	Added	406	sb2851	41	5
91-25-19	Added	406	sb2851	42	5
91-25-21	Added	406	sb2851	43	5
91-25-23	Added	406	sb2851	44	5
91-25-25	Added	406	sb2851	45	5
91-25-27	Added	406	sb2851	46	5
91-27-1	Added	406	sb2851	1	5
91-27-3	Added	406	sb2851	2	5
91-27-5	Added	406	sb2851	3	5
91-27-7	Added	406	sb2851	4	5
91-27-9	Added	406	sb2851	5	5
91-27-11	Added	406	sb2851	6	5
91-27-13	Added	406	sb2851	7	5
91-27-15	Added	406	sb2851	8	5
91-27-17	Added	406	sb2851	9	5
91-27-19	Added	406	sb2851	10	5
91-27-21	Added	406	sb2851	11	5
91-27-23	Added	406	sb2851	12	5
91-27-25	Added	406	sb2851	13	5
91-27-27	Added	406	sb2851	14	5
91-27-29	Added	406	sb2851	15	5
91-27-31	Added	406	sb2851	16	5
91-27-33	Added	406	sb2851	17	5
91-27-35	Added	406	sb2851	18	5
91-27-37	Added	406	sb2851	19	5
91-29-1	Added	406	sb2851	20	5
91-29-3	Added	406	sb2851	21	5
91-29-5	Added	406	sb2851	22	5
91-29-7	Added	406	sb2851	23	5
91-29-9	Added	406	sb2851	24	5
91-29-11	Added	406	sb2851	25	5
91-29-13	Added	406	sb2851	26	5

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
91-29-15	Added	406	sb2851	27	5
91-29-17	Added	406	sb2851	28	5
91-29-19	Added	406	sb2851	29	5
91-29-23	Added	406	sb2851	31	5
91-29-25	Added	406	sb2851	32	5
91-29-29	Added	406	sb2851	30	5
93-9-9	Amended	466	sb2877	2	5
93-9-21	Amended	466	sb2877	3	5
93-14-401	Repealed	344	sb2874	29	2
93-14-402	Repealed	344	sb2874	29	2
93-14-403	Repealed	344	sb2874	29	2
93-15-105	Amended	328	hb1129	1	2
93-17-3	Amended	461	hb1134	1	3
93-20-102	Amended	344	sb2874	1	2
93-20-104	Amended	344	sb2874	2	2
93-20-105	Amended	344	sb2874	3	2
93-20-107	Amended	344	sb2874	4	2
93-20-108	Amended	344	sb2874	5	2
93-20-113	Amended	344	sb2874	6	2
93-20-116	Amended	344	sb2874	7	2
93-20-118	Amended	344	sb2874	8	2
93-20-125	Amended	344	sb2874	9	2
93-20-201	Amended	344	sb2874	10	2
93-20-202	Amended	344	sb2874	11	2
93-20-203	Amended	344	sb2874	12	2
93-20-206	Amended	344	sb2874	13	2
93-20-207	Amended	344	sb2874	14	2
93-20-301	Amended	344	sb2874	15	2
93-20-302	Amended	344	sb2874	16	2
93-20-303	Amended	344	sb2874	17	2
93-20-306	Amended	344	sb2874	18	2
93-20-309	Amended	344	sb2874	19	2
93-20-310	Amended	344	sb2874	20	2
93-20-311	Amended	344	sb2874	21	2
93-20-403	Amended	344	sb2874	22	2
93-20-405	Amended	344	sb2874	23	2
93-20-407	Amended	344	sb2874	24	2
93-20-408	Amended	344	sb2874	25	2
93-20-411	Amended	344	sb2874	26	2
93-20-413	Amended	344	sb2874	27	2
93-20-431	Amended	344	sb2874	28	2
93-21-5	Amended	463	sb2821	1	5
93-21-7	Amended	463	sb2821	2	5
93-21-16	Amended	463	sb2821	3	5
93-21-21	Amended	463	sb2821	4	5
93-21-109	Amended	402	hb1386	2	3
97-5-49	Amended	314	hb0917	62	2
97-25-59	Added	356	hb1243	1	2
97-32-2	Amended	470	sb2596	8	5
97-32-5	Amended	331	hb1486	4	2
97-32-7	Amended	470	sb2596	5	5
97-32-9	Amended	470	sb2596	4	5
97-32-13	Amended	470	sb2596	6	5

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MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
97-32-21	Amended	470	sb2596	7	5
97-32-51	Amended	470	sb2596	3	5
97-32-52	Added	470	sb2596	2	5
97-41-16	Amended	468	sb2658	1	5
99-3-28	Amended	334	sb2061	1	2
99-19-75	Amended	493	hb1559	5	3

CUMULATIVE ALLOCATION OF ACTS TABLE

2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
301				
§ 1	27-7-83	SB 2257	Amended	AP-Mar. 11, 2020
§ 2		SB 2257	Eff date	AP-Mar. 11, 2020
302				
§ 1	25-3-63	HB 1647	Classification Pending	AP-Mar. 19, 2020
§ 2		HB 1647	Eff date	AP-Mar. 19, 2020
303				
§ 1	Classification Pending	SB 2772	Classification Pending	AP-200520
§ 2	Classification Pending	SB 2772	Classification Pending	AP-200520
§ 3	Classification Pending	SB 2772	Classification Pending	AP-200520
§ 4	Classification Pending	SB 2772	Classification Pending	AP-200520
§ 5	Classification Pending	SB 2772	Classification Pending	AP-200520
§ 6	Classification Pending	SB 2772	Classification Pending	AP-200520
§ 7	Classification Pending	SB 2772	Classification Pending	AP-200520
§ 8	Classification Pending	SB 2772	Classification Pending	AP-200520
§ 9	Classification Pending	SB 2772	Classification Pending	AP-200520
§ 10	Classification Pending	SB 2772	Classification Pending	AP-200520
§ 11	Classification Pending	SB 2772	Classification Pending	AP-200520
§ 12	Classification Pending	SB 2772	Classification Pending	AP-200520
§ 13		SB 2772	Eff date	AP-200520
304				
§ 1	83-23-203	SB 2227	Amended	July 1, 2020
§ 2	83-23-205	SB 2227	Amended	July 1, 2020
§ 3	83-23-209	SB 2227	Amended	July 1, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 4	83-23-211	SB 2227	Amended	July 1, 2020
§ 5	83-23-215	SB 2227	Amended	July 1, 2020
§ 6	83-23-217	SB 2227	Amended	July 1, 2020
§ 7	83-23-221	SB 2227	Amended	July 1, 2020
§ 8	83-23-223	SB 2227	Amended	July 1, 2020
§ 9	83-23-225	SB 2227	Amended	July 1, 2020
§ 10	83-23-235	SB 2227	Amended	July 1, 2020
§ 11	83-23-239	SB 2227	Added	July 1, 2020
§ 12		SB 2227	Eff date	July 1, 2020
305				
§ 1	83-11-101	SB 2230	Amended	AP-June 10, 2020
§ 2		SB 2230	Eff date	AP-June 10, 2020
306				
§ 1	83-11-551	SB 2301	Amended	July 1, 2020
§ 2		SB 2301	Eff date	July 1, 2020
307				
§ 1	Classification Pending	SB 2722	Classification Pending	July 1, 2020
§ 2	49-1-29	SB 2722	Amended	July 1, 2020
§ 3	49-7-58.1	SB 2722	Amended	July 1, 2020
§ 4	49-7-58.2	SB 2722	Amended	July 1, 2020
§ 5	Classification Pending	SB 2722	Added	July 1, 2020
§ 6		SB 2722	Eff date	July 1, 2020
308				
§ 1	49-7-31	SB 2723	Amended	July 1, 2020
§ 2	49-7-31.2	SB 2723	Amended	July 1, 2020
§ 3	49-7-31.3	SB 2723	Amended	July 1, 2020
§ 4	49-7-31.4	SB 2723	Amended	July 1, 2020
§ 5		SB 2723	Eff date	July 1, 2020
309				
§ 1	37-11-27	SB 2283	Amended	July 1, 2020
§ 2		SB 2283	Eff date	July 1, 2020
310				
§ 1	81-18-1	SB 2427	Reenacted	July 1, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 2	81-18-3	SB 2427	Reenacted	July 1, 2020
§ 3	81-18-5	SB 2427	Reenacted	July 1, 2020
§ 4	81-18-7	SB 2427	Reenacted	July 1, 2020
§ 5	81-18-8	SB 2427	Reenacted	July 1, 2020
§ 6	81-18-9	SB 2427	Reenacted	July 1, 2020
§ 7	81-18-11	SB 2427	Reenacted	July 1, 2020
§ 8	81-18-13	SB 2427	Reenacted	July 1, 2020
§ 9	81-18-14	SB 2427	Reenacted	July 1, 2020
§ 10	81-18-15	SB 2427	Reenacted	July 1, 2020
§ 11	81-18-17	SB 2427	Reenacted	July 1, 2020
§ 12	81-18-19	SB 2427	Reenacted	July 1, 2020
§ 13	81-18-21	SB 2427	Amended	July 1, 2020
§ 14	81-18-23	SB 2427	Reenacted	July 1, 2020
§ 15	81-18-25	SB 2427	Reenacted	July 1, 2020
§ 16	81-18-27	SB 2427	Reenacted	July 1, 2020
§ 17	81-18-28	SB 2427	Reenacted	July 1, 2020
§ 18	81-18-29	SB 2427	Reenacted	July 1, 2020
§ 19	81-18-31	SB 2427	Reenacted	July 1, 2020
§ 20	81-18-33	SB 2427	Amended	July 1, 2020
§ 21	81-18-35	SB 2427	Reenacted	July 1, 2020
§ 22	81-18-36	SB 2427	Reenacted	July 1, 2020
§ 23	81-18-37	SB 2427	Reenacted	July 1, 2020
§ 24	81-18-39	SB 2427	Reenacted	July 1, 2020
§ 25	81-18-40	SB 2427	Reenacted	July 1, 2020
§ 26	81-18-41	SB 2427	Reenacted	July 1, 2020
§ 27	81-18-43	SB 2427	Reenacted	July 1, 2020
§ 28	81-18-45	SB 2427	Reenacted	July 1, 2020
§ 29	81-18-47	SB 2427	Reenacted	July 1, 2020
§ 30	81-18-49	SB 2427	Reenacted	July 1, 2020
§ 31	81-18-53	SB 2427	Reenacted	July 1, 2020
§ 32	81-18-55	SB 2427	Reenacted	July 1, 2020
§ 33	81-18-61	SB 2427	Reenacted	July 1, 2020
§ 34	81-18-63	SB 2427	Reenacted	July 1, 2020
§ 35	81-18-51	SB 2427	Repealed	July 1, 2020

2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 36		SB 2427	Eff date	July 1, 2020
311				
§ 1	37-7-104.4	SB 2506	Amended	July 1, 2020
§ 2		SB 2506	Eff date	July 1, 2020
312				
§ 1	37-159-1	SB 2508	Amended	July 1, 2020
§ 2	37-159-5	SB 2508	Amended	July 1, 2020
§ 3	37-159-7	SB 2508	Amended	July 1, 2020
§ 4	37-159-9	SB 2508	Amended	July 1, 2020
§ 5	37-159-11	SB 2508	Amended	July 1, 2020
§ 6	37-159-13	SB 2508	Amended	July 1, 2020
§ 7	37-159-17	SB 2508	Amended	July 1, 2020
§ 8	37-159-19	SB 2508	Added	July 1, 2020
§ 9		SB 2508	Eff date	July 1, 2020
313				
§ 1	29-3-113	SB 2565	Amended	AP-June 11, 2020
§ 2		SB 2565	Eff date	AP-June 11, 2020
314				
§ 1	67-3-1	HB 917	Amended	AP-June 18, 2020
§ 2	67-3-3	HB 917	Amended	AP-June 18, 2020
§ 3	67-3-5	HB 917	Amended	AP-June 18, 2020
§ 4	67-3-7	HB 917	Amended	AP-June 18, 2020
§ 5	67-3-9	HB 917	Amended	AP-June 18, 2020
§ 6	67-3-11	HB 917	Amended	AP-June 18, 2020
§ 7	67-3-13	HB 917	Amended	AP-June 18, 2020
§ 8	67-3-15	HB 917	Amended	AP-June 18, 2020
§ 9	67-3-17	HB 917	Amended	AP-June 18, 2020
§ 10	67-3-19	HB 917	Amended	AP-June 18, 2020
§ 11	67-3-22	HB 917	Amended	AP-June 18, 2020
§ 12	67-3-25	HB 917	Amended	AP-June 18, 2020
§ 13	67-3-27	HB 917	Amended	AP-June 18, 2020
§ 14	67-3-28	HB 917	Amended	AP-June 18, 2020
§ 15	67-3-29	HB 917	Amended	AP-June 18, 2020
§ 16	67-3-41	HB 917	Amended	AP-June 18, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 17	67-3-45	HB 917	Amended	AP-June 18, 2020
§ 18	67-3-46	HB 917	Amended	AP-June 18, 2020
§ 19	67-3-48	HB 917	Amended	AP-June 18, 2020
§ 20	67-3-48.1	HB 917	Amended	AP-June 18, 2020
§ 21	67-3-49	HB 917	Amended	AP-June 18, 2020
§ 22	67-3-51	HB 917	Amended	AP-June 18, 2020
§ 23	67-3-52	HB 917	Amended	AP-June 18, 2020
§ 24	67-3-53	HB 917	Amended	AP-June 18, 2020
§ 25	67-3-54	HB 917	Amended	AP-June 18, 2020
§ 26	67-3-55	HB 917	Amended	AP-June 18, 2020
§ 27	67-3-57	HB 917	Amended	AP-June 18, 2020
§ 28	67-3-59	HB 917	Amended	AP-June 18, 2020
§ 29	67-3-61	HB 917	Amended	AP-June 18, 2020
§ 30	67-3-63	HB 917	Amended	AP-June 18, 2020
§ 31	67-3-65	HB 917	Amended	AP-June 18, 2020
§ 32	67-3-67	HB 917	Amended	AP-June 18, 2020
§ 33	67-3-69	HB 917	Amended	AP-June 18, 2020
§ 34	67-3-70	HB 917	Amended	AP-June 18, 2020
§ 35	67-3-73	HB 917	Amended	AP-June 18, 2020
§ 36	67-3-74	HB 917	Amended	AP-June 18, 2020
§ 37	67-1-5	HB 917	Amended	AP-June 18, 2020
§ 38	67-1-18	HB 917	Amended	AP-June 18, 2020
§ 39	67-1-51	HB 917	Amended	AP-June 18, 2020
§ 40	67-1-72	HB 917	Amended	AP-June 18, 2020
§ 41	67-7-3	HB 917	Amended	AP-June 18, 2020
§ 42	67-7-5	HB 917	Amended	AP-June 18, 2020
§ 43	67-7-7	HB 917	Amended	AP-June 18, 2020
§ 44	67-7-9	HB 917	Amended	AP-June 18, 2020
§ 45	67-7-11	HB 917	Amended	AP-June 18, 2020
§ 46	67-9-1	HB 917	Amended	AP-June 18, 2020
§ 47	27-65-241	HB 917	Amended	AP-June 18, 2020
§ 48	27-71-301	HB 917	Amended	AP-June 18, 2020
§ 49	27-71-303	HB 917	Amended	AP-June 18, 2020
§ 50	27-71-307	HB 917	Amended	AP-June 18, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 51	27-71-311	HB 917	Amended	AP-June 18, 2020
§ 52	27-71-315	HB 917	Amended	AP-June 18, 2020
§ 53	27-71-317	HB 917	Amended	AP-June 18, 2020
§ 54	27-71-325	HB 917	Amended	AP-June 18, 2020
§ 55	27-71-327	HB 917	Amended	AP-June 18, 2020
§ 56	27-71-333	HB 917	Amended	AP-June 18, 2020
§ 57	27-71-335	HB 917	Amended	AP-June 18, 2020
§ 58	27-71-345	HB 917	Amended	AP-June 18, 2020
§ 59	27-71-349	HB 917	Amended	AP-June 18, 2020
§ 60	27-71-509	HB 917	Amended	AP-June 18, 2020
§ 61	45-9-101	HB 917	Amended	AP-June 18, 2020
§ 62	97-5-49	HB 917	Amended	AP-June 18, 2020
§ 63		HB 917	Eff date	AP-June 18, 2020
315				
§ 1	37-13-89	HB 263	Amended	AP-June 22, 2020
§ 2		HB 263	Eff date	AP-June 22, 2020
316				
§ 1	83-19-151	HB 408	Amended	July 1, 2020
§ 2	83-19-157	HB 408	Amended	July 1, 2020
§ 3		HB 408	Eff date	July 1, 2020
317				
§ 1	21-19-11	HB 444	Amended	July 1, 2020
§ 2		HB 444	Eff date	July 1, 2020
318				
§ 1	27-7-39	HB 597	Amended	July 1, 2020
§ 2		HB 597	Eff date	July 1, 2020
319				
§ 1	49-15-9	HB 632	Amended	July 1, 2020
§ 2		HB 632	Eff date	July 1, 2020
320				
§ 1	69-37-17	HB 687	Amended	July 1, 2020
§ 2		HB 687	Eff date	July 1, 2020
321				
§ 1	75-55-5	HB 689	Amended	July 1, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 2	75-55-37	HB 689	Amended	July 1, 2020
§ 3		HB 689	Eff date	July 1, 2020
322				
§ 1	67-1-18	HB 858	Amended	July 1, 2020
§ 2		HB 858	Eff date	July 1, 2020
323				
§ 1	27-55-7	HB 866	Amended	July 1, 2020
§ 2	27-55-507	HB 866	Amended	July 1, 2020
§ 3	27-57-7	HB 866	Amended	July 1, 2020
§ 4	27-59-7	HB 866	Amended	July 1, 2020
§ 5	27-57-5	HB 866	Amended	July 1, 2020
§ 6	27-57-9	HB 866	Amended	July 1, 2020
§ 7	27-57-11	HB 866	Amended	July 1, 2020
§ 8	27-57-17	HB 866	Amended	July 1, 2020
§ 9	27-55-13	HB 866	Amended	July 1, 2020
§ 10	27-55-523	HB 866	Amended	July 1, 2020
§ 11	27-59-13	HB 866	Amended	July 1, 2020
§ 12	27-59-311	HB 866	Amended	July 1, 2020
§ 13	27-57-13	HB 866	Amended	July 1, 2020
§ 14		HB 866	Eff date	July 1, 2020
324				
§ 1	63-21-15	HB 869	Amended	Jan. 1, 2021
§ 2		HB 869	Eff date	Jan. 1, 2021
325				
§ 1	27-25-519	HB 977	Amended	Jan. 1, 2021
§ 2	27-25-717	HB 977	Amended	Jan. 1, 2021
§ 3		HB 977	Eff date	Jan. 1, 2021
326				
§ 1	85-3-1	HB 1071	Amended	July 1, 2020
§ 2		HB 1071	Eff date	July 1, 2020
327				
§ 1	43-21-609	HB 1127	Amended	July 1, 2020
§ 2	43-21-609	HB 1127	Eff date	July 1, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
328				
§ 1	93-15-105	HB 1129	Amended	July 1, 2020
§ 2		HB 1129	Eff date	July 1, 2020
329				
§ 1	43-21-301	HB 1131	Amended	July 1, 2020
§ 2	43-21-303	HB 1131	Amended	July 1, 2020
§ 3		HB 1131	Eff date	July 1, 2020
330				
§ 1	31-41-47	HB 1176	Amended	July 1, 2020
§ 2		HB 1176	Eff date	July 1, 2020
331				
§ 1	27-69-9	HB 1486	Amended	July 1, 2020
§ 2	27-69-5	HB 1486	Brought Forward	July 1, 2020
§ 3	75-23-37	HB 1486	Brought Forward	July 1, 2020
§ 4	97-32-5	HB 1486	Amended	July 1, 2020
§ 5		HB 1486	Eff date	July 1, 2020
332				
§ 1	37-106-75	HB 274	Amended	July 1, 2020
§ 2		HB 274	Eff date	July 1, 2020
333				
§ 1	25-15-303	HB 676	Amended	July 1, 2020
§ 2		HB 676	Eff date	July 1, 2020
334				
§ 1	99-3-28	SB 2061	Amended	July 1, 2020
§ 2		SB 2061	Eff date	July 1, 2020
335				
§ 1	63-21-15	SB 2099	Amended	AP-June 23, 2020
§ 2		SB 2099	Eff date	AP-June 23, 2020
336				
§ 1	27-65-17	SB 2319	Amended	AP-June 23, 2020
§ 2		SB 2319	Eff date	AP-June 23, 2020
337				
§ 1	69-2-13	SB 2328	Amended	July 1, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 2	69-2-19	SB 2328	Amended	July 1, 2020
§ 3		SB 2328	Eff date	July 1, 2020
338				
§ 1	27-51-103	SB 2365	Amended	July 1, 2020
§ 2		SB 2365	Eff date	July 1, 2020
339				
§ 1	37-106-55	SB 2353	Amended	July 1, 2020
§ 2		SB 2353	Eff date	July 1, 2020
340				
§ 1	37-17-13	SB 2509	Amended	July 1, 2020
§ 2		SB 2509	Eff date	July 1, 2020
341				
§ 1	79-29-1021	SB 2510	Amended	AP-June 23, 2020
§ 2		SB 2510	Eff date	AP-June 23, 2020
342				
§ 1	83-75-1	SB 2709	Amended	July 1, 2020
§ 2	83-75-3	SB 2709	Amended	July 1, 2020
§ 3	83-75-5	SB 2709	Amended	July 1, 2020
§ 4		SB 2709	Eff date	July 1, 2020
343				
§ 1	91-1-1	SB 2850	Amended	July 1, 2020
§ 2	91-5-35	SB 2850	Amended	July 1, 2020
§ 3	91-7-1	SB 2850	Amended	July 1, 2020
§ 4	91-7-33	SB 2850	Amended	July 1, 2020
§ 5	91-17-412	SB 2850	Amended	July 1, 2020
§ 6	91-17-501	SB 2850	Amended	July 1, 2020
§ 7	91-7-322	SB 2850	Amended	July 1, 2020
§ 8		SB 2850	Eff date	July 1, 2020
344				
§ 1	93-20-102	SB 2874	Amended	AP-June 22, 2020
§ 2	93-20-104	SB 2874	Amended	AP-June 22, 2020
§ 3	93-20-105	SB 2874	Amended	AP-June 22, 2020
§ 4	93-20-107	SB 2874	Amended	AP-June 22, 2020
§ 5	93-20-108	SB 2874	Amended	AP-June 22, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 6	93-20-113	SB 2874	Amended	AP-June 22, 2020
§ 7	93-20-116	SB 2874	Amended	AP-June 22, 2020
§ 8	93-20-118	SB 2874	Amended	AP-June 22, 2020
§ 9	93-20-125	SB 2874	Amended	AP-June 22, 2020
§ 10	93-20-201	SB 2874	Amended	AP-June 22, 2020
§ 11	93-20-202	SB 2874	Amended	AP-June 22, 2020
§ 12	93-20-203	SB 2874	Amended	AP-June 22, 2020
§ 13	93-20-206	SB 2874	Amended	AP-June 22, 2020
§ 14	93-20-207	SB 2874	Amended	AP-June 22, 2020
§ 15	93-20-301	SB 2874	Amended	AP-June 22, 2020
§ 16	93-20-302	SB 2874	Amended	AP-June 22, 2020
§ 17	93-20-303	SB 2874	Amended	AP-June 22, 2020
§ 18	93-20-306	SB 2874	Amended	AP-June 22, 2020
§ 19	93-20-309	SB 2874	Amended	AP-June 22, 2020
§ 20	93-20-310	SB 2874	Amended	AP-June 22, 2020
§ 21	93-20-311	SB 2874	Amended	AP-June 22, 2020
§ 22	93-20-403	SB 2874	Amended	AP-June 22, 2020
§ 23	93-20-405	SB 2874	Amended	AP-June 22, 2020
§ 24	93-20-407	SB 2874	Amended	AP-June 22, 2020
§ 25	93-20-408	SB 2874	Amended	AP-June 22, 2020
§ 26	93-20-411	SB 2874	Amended	AP-June 22, 2020
§ 27	93-20-413	SB 2874	Amended	AP-June 22, 2020
§ 28	93-20-431	SB 2874	Amended	AP-June 22, 2020
§ 29	93-14-401	SB 2874	Repealed	AP-June 22, 2020
§ 29	93-14-402	SB 2874	Repealed	AP-June 22, 2020
§ 29	93-14-403	SB 2874	Repealed	AP-June 22, 2020
§ 30		SB 2874	Eff date	AP-June 22, 2020
345				
§ 1	33-13-155	SB 2611	Amended	July 1, 2020
§ 2	33-13-157	SB 2611	Amended	July 1, 2020
§ 3	33-13-159	SB 2611	Amended	July 1, 2020
§ 4		SB 2611	Eff date	July 1, 2020
346				
§ 1	37-155-9	SB 2881	Amended	July 1, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 2		SB 2881	Eff date	July 1, 2020
347				
§ 1	67-3-22	SB 2552	Amended	July 1, 2020
§ 2	67-3-69	SB 2552	Amended	July 1, 2020
§ 3	27-71-301	SB 2552	Amended	July 1, 2020
§ 4	27-71-303	SB 2552	Brought Forward	July 1, 2020
§ 5		SB 2552	Eff date	July 1, 2020
348				
§ 1	37-3-2	SB 2511	Amended	July 1, 2020
§ 2		SB 2511	Eff date	July 1, 2020
349				
§ 1	31-7-103	HB 494	Amended	July 1, 2020
§ 2	31-7-119	HB 494	Amended	July 1, 2020
§ 3		HB 494	Eff date	July 1, 2020
350				
§ 1	Classification Pending	HB 999	Classification Pending	Jan. 1, 2021
§ 2	Classification Pending	HB 999	Classification Pending	Jan. 1, 2021
§ 3	Classification Pending	HB 999	Classification Pending	Jan. 1, 2021
§ 4	Classification Pending	HB 999	Classification Pending	Jan. 1, 2021
§ 5	Classification Pending	HB 999	Classification Pending	Jan. 1, 2021
§ 6	Classification Pending	HB 999	Classification Pending	Jan. 1, 2021
§ 7	Classification Pending	HB 999	Classification Pending	Jan. 1, 2021
§ 8	Classification Pending	HB 999	Classification Pending	Jan. 1, 2021
§ 9	Classification Pending	HB 999	Classification Pending	Jan. 1, 2021
§ 10		HB 999	Eff date	Jan. 1, 2021
351				
§ 1	39-5-5	HB 1000	Note	AP-June 25, 2020

2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 2		HB 1000	Eff date	AP-June 25, 2020
352				
§ 1	49-17-14	HB 1028	Amended	July 1, 2020
§ 2	49-17-16	HB 1028	Amended	July 1, 2020
§ 3	49-17-30	HB 1028	Amended	July 1, 2020
§ 4	49-17-32	HB 1028	Amended	July 1, 2020
§ 5		HB 1028	Eff date	July 1, 2020
353				
§ 1	85-7-121	HB 1138	Amended	July 1, 2020
§ 2	85-7-123	HB 1138	Amended	July 1, 2020
§ 3	85-7-125	HB 1138	Amended	July 1, 2020
§ 4	85-7-127	HB 1138	Amended	July 1, 2020
§ 5		HB 1138	Eff date	July 1, 2020
354				
§ 1	25-3-3	HB 1063	Amended	AP-June 25, 2020
§ 2		HB 1063	Eff date	AP-June 25, 2020
355				
§ 1	73-35-7	HB 1212	Amended	July 1, 2020
§ 2		HB 1212	Eff date	July 1, 2020
356				
§ 1	97-25-59	HB 1243	Added	July 1, 2020
§ 2		HB 1243	Eff date	July 1, 2020
357				
§ 1	77-13-9	HB 1334	Amended	Jan. 1, 2021
§ 2		HB 1334	Eff date	Jan. 1, 2021
358				
§ 1	29-1-81	HB 1332	Amended	AP-June 25, 2020
§ 2		HB 1332	Eff date	AP-June 25, 2020
359				
§ 1	45-6-3	HB 1434	Amended	July 1, 2020
§ 2		HB 1434	Eff date	July 1, 2020
360				
§ 1	75-71-305	HB 1440	Amended	July 1, 2020
§ 2	75-71-310	HB 1440	Amended	July 1, 2020

2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 3		HB 1440	Eff date	July 1, 2020
361				
§ 1	45-6-11	HB 1500	Amended	July 1, 2020
§ 2		HB 1500	Eff date	July 1, 2020
362				
§ 1	23-15-235	HB 1523	Amended	July 1, 2020
§ 2		HB 1523	Eff date	July 1, 2020
363				
§ 1	Classification Pending	HB 1520	Classification Pending	AP-June 25, 2020
§ 2	41-29-137	HB 1520	Amended	AP-June 25, 2020
§ 3		HB 1520	Eff date	AP-June 25, 2020
364				
§ 1	Classification Pending	HB 1577	Classification Pending	July 1, 2020
§ 2	49-7-20	HB 1577	Amended	July 1, 2020
§ 3		HB 1577	Eff date	July 1, 2020
365				
§ 1	29-1-3	HB 1439	Amended	July 1, 2020
§ 2	29-3-82	HB 1439	Amended	July 1, 2020
§ 3		HB 1439	Eff date	July 1, 2020
366				
§ 1	31-7-9	HB 266	Amended	July 1, 2020
§ 2		HB 266	Eff date	July 1, 2020
367				
§ 1	51-5-3	HB 117	Amended	July 1, 2020
§ 2		HB 117	Eff date	July 1, 2020
368				
§ 1	21-23-7	HB 273	Amended	July 1, 2020
§ 2		HB 273	Eff date	July 1, 2020
369				
§ 1	43-5-1	HB 667	Amended	July 1, 2020
§ 2	43-5-8	HB 667	Amended	July 1, 2020
§ 3	43-5-13	HB 667	Amended	July 1, 2020
§ 4	37-39-1	HB 667	Amended	July 1, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 5	31-7-1	HB 667	Amended	July 1, 2020
§ 6	37-140-5	HB 667	Amended	July 1, 2020
§ 7		HB 667	Eff date	July 1, 2020
370				
§ 1	Classification Pending	HB 669	Classification Pending	AP-June 25, 2020
§ 2	37-7-315	HB 669	Brought Forward	AP-June 25, 2020
§ 3	Classification Pending	HB 669	Classification Pending	AP-June 25, 2020
§ 4		HB 669	Eff date	AP-June 25, 2020
371				
§ 1	73-30-9	HB 777	Amended	AP-June 25, 2020
§ 2	73-30-29	HB 777	Amended	AP-June 25, 2020
§ 3		HB 777	Eff date	AP-June 25, 2020
372				
§ 1	27-15-107	HB 859	Amended	July 1, 2020
§ 2	27-31-81	HB 859	Amended	July 1, 2020
§ 3	27-35-163	HB 859	Amended	July 1, 2020
§ 4	27-41-9	HB 859	Amended	July 1, 2020
§ 5	27-65-33	HB 859	Amended	July 1, 2020
§ 6	27-65-53	HB 859	Amended	July 1, 2020
§ 7	27-67-19	HB 859	Amended	July 1, 2020
§ 8	27-69-41	HB 859	Amended	July 1, 2020
§ 9	27-71-331	HB 859	Amended	July 1, 2020
§ 10		HB 859	Eff date	July 1, 2020
373				
§ 1	27-35-301	HB 863	Amended	Jan. 1, 2021
§ 2	27-35-303	HB 863	Amended	Jan. 1, 2021
§ 3	27-35-305	HB 863	Amended	Jan. 1, 2021
§ 4	27-35-309	HB 863	Amended	Jan. 1, 2021
§ 5	27-35-311	HB 863	Amended	Jan. 1, 2021
§ 6	27-35-313	HB 863	Amended	Jan. 1, 2021
§ 7	27-35-325	HB 863	Amended	Jan. 1, 2021
§ 8	27-35-513	HB 863	Amended	Jan. 1, 2021

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 9	27-35-703	HB 863	Amended	Jan. 1, 2021
§ 10		HB 863	Eff date	Jan. 1, 2021
374				
§ 1	73-15-11	HB 984	Amended	July 1, 2020
§ 2		HB 984	Eff date	July 1, 2020
375				
§ 1	Classification Pending	SB 2195	Classification Pending	July 1, 2020
§ 2		SB 2195	Eff date	July 1, 2020
376				
§ 1	Classification Pending	SB 2434	Classification Pending	AP-June 25, 2020
§ 2		SB 2434	Eff date	AP-June 25, 2020
377				
§ 1	15-1-83	SB 2430	Added	July 1, 2020
§ 2	15-1-85	SB 2430	Added	July 1, 2020
§ 3		SB 2430	Eff date	July 1, 2020
378				
§ 1	63-5-33	SB 2467	Amended	July 1, 2020
§ 2	63-5-27	SB 2467	Brought Forward	July 1, 2020
§ 3	63-5-29	SB 2467	Brought Forward	July 1, 2020
§ 4	63-5-31	SB 2467	Brought Forward	July 1, 2020
§ 5		SB 2467	Eff date	July 1, 2020
379				
§ 1	43-13-121	SB 2486	Amended	AP-June 25, 2020
§ 2		SB 2486	Eff date	AP-June 25, 2020
380				
§ 1	63-5-49	SB 2660	Amended	July 1, 2020
§ 2	27-19-81	SB 2660	Amended	July 1, 2020
§ 3		SB 2660	Eff date	July 1, 2020
381				
§ 1	7-3-7	SB 2131	Amended	AP-June 25, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 2	Classification Pending	SB 2131	Classification Pending	AP-June 25, 2020
§ 3		SB 2131	Eff date	AP-June 25, 2020
382				
§ 1	Classification Pending	HB 1156	Classification Pending	July 1, 2021
§ 2	Classification Pending	HB 1156	Classification Pending	July 1, 2021
§ 3	Classification Pending	HB 1156	Classification Pending	July 1, 2021
§ 4	Classification Pending	HB 1156	Classification Pending	July 1, 2021
§ 5	Classification Pending	HB 1156	Classification Pending	July 1, 2021
§ 6	Classification Pending	HB 1156	Classification Pending	July 1, 2021
§ 7	Classification Pending	HB 1156	Classification Pending	July 1, 2021
§ 8	Classification Pending	HB 1156	Classification Pending	July 1, 2021
§ 9	Classification Pending	HB 1156	Classification Pending	July 1, 2021
§ 10	Classification Pending	HB 1156	Classification Pending	July 1, 2021
§ 11	Classification Pending	HB 1156	Classification Pending	July 1, 2021
§ 12	Classification Pending	HB 1156	Classification Pending	July 1, 2021
§ 13	Classification Pending	HB 1156	Classification Pending	July 1, 2021
§ 14	Classification Pending	HB 1156	Classification Pending	July 1, 2021
§ 15	Classification Pending	HB 1156	Classification Pending	July 1, 2021
§ 16	Classification Pending	HB 1156	Classification Pending	July 1, 2021
§ 17	Classification Pending	HB 1156	Classification Pending	July 1, 2021
§ 18	Classification Pending	HB 1156	Classification Pending	July 1, 2021

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 19	Classification Pending	HB 1156	Classification Pending	July 1, 2021
§ 20	Classification Pending	HB 1156	Classification Pending	July 1, 2021
§ 21	Classification Pending	HB 1156	Classification Pending	July 1, 2021
§ 22	Classification Pending	HB 1156	Classification Pending	July 1, 2021
§ 23	Classification Pending	HB 1156	Classification Pending	July 1, 2021
§ 24	Classification Pending	HB 1156	Classification Pending	July 1, 2021
§ 25	Classification Pending	HB 1156	Classification Pending	July 1, 2021
§ 26	Classification Pending	HB 1156	Classification Pending	July 1, 2021
§ 27	Classification Pending	HB 1156	Classification Pending	July 1, 2021
§ 28	Classification Pending	HB 1156	Classification Pending	July 1, 2021
§ 29	Classification Pending	HB 1156	Classification Pending	July 1, 2021
§ 30	25-7-1	HB 1156	Amended	July 1, 2021
§ 31	89-3-1	HB 1156	Amended	July 1, 2021
§ 32	89-3-7	HB 1156	Amended	July 1, 2021
§ 33	89-5-8	HB 1156	Amended	July 1, 2021
§ 34	25-7-29	HB 1156	Repealed	July 1, 2021
§ 35	25-33-5	HB 1156	Repealed	July 1, 2021
§ 35	25-33-3	HB 1156	Repealed	July 1, 2021
§ 35	25-33-1	HB 1156	Repealed	July 1, 2021
§ 35	25-33-33	HB 1156	Repealed	July 1, 2021
§ 35	25-33-31	HB 1156	Repealed	July 1, 2021
§ 35	25-33-29	HB 1156	Repealed	July 1, 2021
§ 35	25-33-27	HB 1156	Repealed	July 1, 2021
§ 35	25-33-25	HB 1156	Repealed	July 1, 2021
§ 35	25-33-7	HB 1156	Repealed	July 1, 2021
§ 35	25-33-23	HB 1156	Repealed	July 1, 2021
§ 35	25-33-21	HB 1156	Repealed	July 1, 2021

2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 35	25-33-19	HB 1156	Repealed	July 1, 2021
§ 35	25-33-17	HB 1156	Repealed	July 1, 2021
§ 35	25-33-15	HB 1156	Repealed	July 1, 2021
§ 35	25-33-9	HB 1156	Repealed	July 1, 2021
§ 35	25-33-13	HB 1156	Repealed	July 1, 2021
§ 35	25-33-11	HB 1156	Repealed	July 1, 2021
§ 36	89-3-3	HB 1156	Repealed	July 1, 2021
§ 37	89-3-5	HB 1156	Repealed	July 1, 2021
§ 38	89-3-9	HB 1156	Repealed	July 1, 2021
§ 39	89-3-11	HB 1156	Repealed	July 1, 2021
§ 40	89-3-13	HB 1156	Repealed	July 1, 2021
§ 41	89-3-15	HB 1156	Repealed	July 1, 2021
§ 42		HB 1156	Eff date	July 1, 2021
383				
§ 1	75-29-951	HB 326	Amended	July 1, 2020
§ 2		HB 326	Eff date	July 1, 2020
384				
§ 1	41-131-1	SB 2830	Amended	AP-June 25, 2020
§ 2		SB 2830	Eff date	AP-June 25, 2020
385				
§ 1	63-5-52	SB 2716	Amended	July 1, 2020
§ 2		SB 2716	Eff date	July 1, 2020
386				
§ 1	37-181-1	SB 2594	Reenacted	AP-June 25, 2020
§ 2	37-181-3	SB 2594	Amended	AP-June 25, 2020
§ 3	37-181-5	SB 2594	Amended	AP-June 25, 2020
§ 4	37-181-7	SB 2594	Amended	AP-June 25, 2020
§ 5	37-181-9	SB 2594	Amended	AP-June 25, 2020
§ 6	37-181-11	SB 2594	Amended	AP-June 25, 2020
§ 7	37-181-13	SB 2594	Amended	AP-June 25, 2020
§ 8	37-181-15	SB 2594	Amended	AP-June 25, 2020
§ 9	37-181-17	SB 2594	Amended	AP-June 25, 2020
§ 10	37-181-19	SB 2594	Reenacted	AP-June 25, 2020
§ 11	37-181-21	SB 2594	Reenacted	AP-June 25, 2020

2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 12	37-181-23	SB 2594	Added	AP-June 25, 2020
§ 13	Classification Pending	SB 2594	Classification Pending	AP-June 25, 2020
§ 14		SB 2594	Eff date	AP-June 25, 2020
387				
§ 1	77-1-1	SB 2386	Amended	July 1, 2020
§ 2	77-1-3	SB 2386	Reenacted	July 1, 2020
§ 3	77-1-5	SB 2386	Reenacted	July 1, 2020
§ 4	77-1-6	SB 2386	Reenacted	July 1, 2020
§ 5	77-1-11	SB 2386	Amended	July 1, 2020
§ 6	77-1-15	SB 2386	Amended	July 1, 2020
§ 7	77-1-25	SB 2386	Reenacted	July 1, 2020
§ 8	77-1-27	SB 2386	Amended	July 1, 2020
§ 9	77-1-29	SB 2386	Reenacted	July 1, 2020
§ 10	77-1-31	SB 2386	Reenacted	July 1, 2020
§ 11	77-1-33	SB 2386	Reenacted	July 1, 2020
§ 12	77-1-35	SB 2386	Reenacted	July 1, 2020
§ 13	77-1-37	SB 2386	Reenacted	July 1, 2020
§ 14	77-1-39	SB 2386	Reenacted	July 1, 2020
§ 15	77-1-41	SB 2386	Reenacted	July 1, 2020
§ 16	77-1-43	SB 2386	Reenacted	July 1, 2020
§ 17	77-1-47	SB 2386	Reenacted	July 1, 2020
§ 18	77-1-49	SB 2386	Reenacted	July 1, 2020
§ 19	77-1-51	SB 2386	Amended	July 1, 2020
§ 20	77-1-55	SB 2386	Amended	July 1, 2020
§ 21	77-3-93	SB 2386	Amended	July 1, 2020
§ 22	77-3-42	SB 2386	Amended	July 1, 2020
§ 23	77-1-17	SB 2386	Repealed	July 1, 2020
§ 24	77-1-19	SB 2386	Repealed	July 1, 2020
§ 25	77-1-21	SB 2386	Repealed	July 1, 2020
§ 26		SB 2386	Eff date	July 1, 2020
388				
§ 1	Classification Pending	HB 94	Classification Pending	July 1, 2020
§ 2		HB 94	Eff date	July 1, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
389				
§ 1	43-15-201	HB 96	Amended	July 1, 2020
§ 2	43-15-207	HB 96	Amended	July 1, 2020
§ 3		HB 96	Eff date	July 1, 2020
390				
§ 1	19-7-25	HB 493	Amended	July 1, 2020
§ 2	19-25-65	HB 493	Amended	July 1, 2020
§ 3	19-7-31	HB 493	Amended	July 1, 2020
§ 4	1-1-11	HB 493	Amended	July 1, 2020
§ 5		HB 493	Eff date	July 1, 2020
391				
§ 1	45-1-12	HB 264	Amended	July 1, 2020
§ 2		HB 264	Eff date	July 1, 2020
392				
§ 1	49-19-115	HB 684	Amended	AP-June 29, 2020
§ 2		HB 684	Eff date	AP-June 29, 2020
393				
§ 1	41-121-1	HB 686	Reenacted	July 1, 2020
§ 2	41-121-3	HB 686	Reenacted	July 1, 2020
§ 3	41-121-5	HB 686	Reenacted	July 1, 2020
§ 4	41-121-7	HB 686	Reenacted	July 1, 2020
§ 5	41-121-9	HB 686	Reenacted	July 1, 2020
§ 6	41-121-11	HB 686	Amended	July 1, 2020
§ 7	73-6-19	HB 686	Amended	July 1, 2020
§ 8	73-9-61	HB 686	Amended	July 1, 2020
§ 9	73-15-29	HB 686	Amended	July 1, 2020
§ 10	73-19-23	HB 686	Amended	July 1, 2020
§ 11	73-21-97	HB 686	Amended	July 1, 2020
§ 12	73-26-5	HB 686	Amended	July 1, 2020
§ 13	73-27-13	HB 686	Amended	July 1, 2020
§ 14	73-39-77	HB 686	Amended	July 1, 2020
§ 15		HB 686	Eff date	July 1, 2020
394				
§ 1	27-35-157	HB 697	Amended	AP-June 29, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 2		HB 697	Eff date	AP-June 29, 2020
395				
§ 1	73-21-151	HB 708	Amended	Jan. 1, 2021
§ 2	73-21-153	HB 708	Amended	Jan. 1, 2021
§ 3	73-21-155	HB 708	Amended	Jan. 1, 2021
§ 4	73-21-156	HB 708	Added	Jan. 1, 2021
§ 5	73-21-157	HB 708	Amended	Jan. 1, 2021
§ 6	73-21-159	HB 708	Amended	Jan. 1, 2021
§ 7	73-21-161	HB 708	Added	Jan. 1, 2021
§ 8	73-21-163	HB 708	Added	Jan. 1, 2021
§ 9		HB 708	Eff date	Jan. 1, 2021
396				
§ 1	37-159-11	HB 751	Amended	July 1, 2020
§ 2		HB 751	Eff date	July 1, 2020
397				
§ 1	Classification Pending	HB 811	Classification Pending	July 1, 2020
§ 2		HB 811	Eff date	July 1, 2020
398				
§ 1	45-9-171	HB 1018	Amended	AP-June 29, 2020
§ 2		HB 1018	Eff date	AP-June 29, 2020
399				
§ 1	73-47-5	HB 1104	Amended	July 1, 2020
§ 2	73-47-9	HB 1104	Amended	July 1, 2020
§ 3		HB 1104	Eff date	July 1, 2020
400				
§ 1	25-7-9	HB 1175	Amended	AP-June 29, 2020
§ 2		HB 1175	Eff date	AP-June 29, 2020
401				
§ 1	Classification Pending	HB 1336	Classification Pending	July 1, 2020
§ 2	Classification Pending	HB 1336	Classification Pending	July 1, 2020
§ 3	Classification Pending	HB 1336	Classification Pending	July 1, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 4	Classification Pending	HB 1336	Classification Pending	July 1, 2020
§ 5	Classification Pending	HB 1336	Classification Pending	July 1, 2020
§ 6	Classification Pending	HB 1336	Classification Pending	July 1, 2020
§ 7		HB 1336	Eff date	July 1, 2020
402				
§ 1	Classification Pending	HB 1386	Classification Pending	July 1, 2020
§ 2	93-21-109	HB 1386	Amended	July 1, 2020
§ 3		HB 1386	Eff date	July 1, 2020
403				
§ 1	Classification Pending	SB 2212	Classification Pending	AP-June 29, 2020
§ 2		SB 2212	Eff date	AP-June 29, 2020
404				
§ 1	59-5-37	SB 2273	Amended	July 1, 2020
§ 2		SB 2273	Eff date	July 1, 2020
405				
§ 1	Classification Pending	SB 2595	Classification Pending	July 1, 2020
§ 2		SB 2595	Eff date	July 1, 2020
406				
§ 1	91-27-1	SB 2851	Added	July 1, 2020
§ 2	91-27-3	SB 2851	Added	July 1, 2020
§ 3	91-27-5	SB 2851	Added	July 1, 2020
§ 4	91-27-7	SB 2851	Added	July 1, 2020
§ 5	91-27-9	SB 2851	Added	July 1, 2020
§ 6	91-27-11	SB 2851	Added	July 1, 2020
§ 7	91-27-13	SB 2851	Added	July 1, 2020
§ 8	91-27-15	SB 2851	Added	July 1, 2020
§ 9	91-27-17	SB 2851	Added	July 1, 2020
§ 10	91-27-19	SB 2851	Added	July 1, 2020
§ 11	91-27-21	SB 2851	Added	July 1, 2020
§ 12	91-27-23	SB 2851	Added	July 1, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 13	91-27-25	SB 2851	Added	July 1, 2020
§ 14	91-27-27	SB 2851	Added	July 1, 2020
§ 15	91-27-29	SB 2851	Added	July 1, 2020
§ 16	91-27-31	SB 2851	Added	July 1, 2020
§ 17	91-27-33	SB 2851	Added	July 1, 2020
§ 18	91-27-35	SB 2851	Added	July 1, 2020
§ 19	91-27-37	SB 2851	Added	July 1, 2020
§ 20	91-29-1	SB 2851	Added	July 1, 2020
§ 21	91-29-3	SB 2851	Added	July 1, 2020
§ 22	91-29-5	SB 2851	Added	July 1, 2020
§ 23	91-29-7	SB 2851	Added	July 1, 2020
§ 24	91-29-9	SB 2851	Added	July 1, 2020
§ 25	91-29-11	SB 2851	Added	July 1, 2020
§ 26	91-29-13	SB 2851	Added	July 1, 2020
§ 27	91-29-15	SB 2851	Added	July 1, 2020
§ 28	91-29-17	SB 2851	Added	July 1, 2020
§ 29	91-29-19	SB 2851	Added	July 1, 2020
§ 30	91-29-29	SB 2851	Added	July 1, 2020
§ 31	91-29-23	SB 2851	Added	July 1, 2020
§ 32	91-29-25	SB 2851	Added	July 1, 2020
§ 33	91-25-1	SB 2851	Added	July 1, 2020
§ 34	91-25-3	SB 2851	Added	July 1, 2020
§ 35	91-25-5	SB 2851	Added	July 1, 2020
§ 36	91-25-7	SB 2851	Added	July 1, 2020
§ 37	91-25-9	SB 2851	Added	July 1, 2020
§ 38	91-25-11	SB 2851	Added	July 1, 2020
§ 39	91-25-13	SB 2851	Added	July 1, 2020
§ 40	91-25-15	SB 2851	Added	July 1, 2020
§ 41	91-25-17	SB 2851	Added	July 1, 2020
§ 42	91-25-19	SB 2851	Added	July 1, 2020
§ 43	91-25-21	SB 2851	Added	July 1, 2020
§ 44	91-25-23	SB 2851	Added	July 1, 2020
§ 45	91-25-25	SB 2851	Added	July 1, 2020
§ 46	91-25-27	SB 2851	Added	July 1, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 47	91-7-501	SB 2851	Added	July 1, 2020
§ 48	91-7-503	SB 2851	Added	July 1, 2020
§ 49	91-7-505	SB 2851	Added	July 1, 2020
§ 50	91-7-507	SB 2851	Added	July 1, 2020
§ 51	91-7-509	SB 2851	Added	July 1, 2020
§ 52	91-7-511	SB 2851	Added	July 1, 2020
§ 53	91-7-513	SB 2851	Added	July 1, 2020
§ 54	91-7-515	SB 2851	Added	July 1, 2020
§ 55	91-7-517	SB 2851	Added	July 1, 2020
§ 56	91-7-519	SB 2851	Added	July 1, 2020
§ 57	91-7-521	SB 2851	Added	July 1, 2020
§ 58	91-7-523	SB 2851	Added	July 1, 2020
§ 59	91-8-501	SB 2851	Added	July 1, 2020
§ 60	91-8-502	SB 2851	Added	July 1, 2020
§ 61	91-8-503	SB 2851	Added	July 1, 2020
§ 62	91-8-504	SB 2851	Added	July 1, 2020
§ 63	91-8-505	SB 2851	Added	July 1, 2020
§ 64	91-8-506	SB 2851	Added	July 1, 2020
§ 65	91-8-507	SB 2851	Added	July 1, 2020
§ 66	91-8-508	SB 2851	Added	July 1, 2020
§ 67	89-22-1	SB 2851	Added	July 1, 2020
§ 68	89-22-3	SB 2851	Added	July 1, 2020
§ 69	89-22-5	SB 2851	Added	July 1, 2020
§ 70	89-22-7	SB 2851	Added	July 1, 2020
§ 71	89-22-9	SB 2851	Added	July 1, 2020
§ 72	89-22-11	SB 2851	Added	July 1, 2020
§ 73	89-22-13	SB 2851	Added	July 1, 2020
§ 74	89-22-15	SB 2851	Added	July 1, 2020
§ 75	89-22-17	SB 2851	Added	July 1, 2020
§ 76	89-22-19	SB 2851	Added	July 1, 2020
§ 77	89-22-21	SB 2851	Added	July 1, 2020
§ 78	89-22-23	SB 2851	Added	July 1, 2020
§ 79	89-22-35	SB 2851	Added	July 1, 2020
§ 80	89-22-27	SB 2851	Added	July 1, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 81	89-22-29	SB 2851	Added	July 1, 2020
§ 82	89-22-31	SB 2851	Added	July 1, 2020
§ 83	89-22-33	SB 2851	Added	July 1, 2020
§ 84	89-22-29	SB 2851	Added	July 1, 2020
§ 85	89-22-31	SB 2851	Added	July 1, 2020
§ 86	91-8-105	SB 2851	Amended	July 1, 2020
§ 87	27-10-25	SB 2851	Repealed	July 1, 2020
§ 87	27-10-19	SB 2851	Repealed	July 1, 2020
§ 87	27-10-21	SB 2851	Repealed	July 1, 2020
§ 87	27-10-3	SB 2851	Repealed	July 1, 2020
§ 87	27-10-5	SB 2851	Repealed	July 1, 2020
§ 87	27-10-9	SB 2851	Repealed	July 1, 2020
§ 87	27-10-23	SB 2851	Repealed	July 1, 2020
§ 87	27-10-11	SB 2851	Repealed	July 1, 2020
§ 87	27-10-15	SB 2851	Repealed	July 1, 2020
§ 87	27-10-17	SB 2851	Repealed	July 1, 2020
§ 87	27-10-13	SB 2851	Repealed	July 1, 2020
§ 87	27-10-1	SB 2851	Repealed	July 1, 2020
§ 87	27-10-7	SB 2851	Repealed	July 1, 2020
§ 88	89-21-1	SB 2851	Repealed	July 1, 2020
§ 88	89-21-11	SB 2851	Repealed	July 1, 2020
§ 88	89-21-17	SB 2851	Repealed	July 1, 2020
§ 88	89-21-9	SB 2851	Repealed	July 1, 2020
§ 88	89-21-7	SB 2851	Repealed	July 1, 2020
§ 88	89-21-15	SB 2851	Repealed	July 1, 2020
§ 88	89-21-5	SB 2851	Repealed	July 1, 2020
§ 88	89-21-13	SB 2851	Repealed	July 1, 2020
§ 88	89-21-3	SB 2851	Repealed	July 1, 2020
§ 89	91-9-505	SB 2851	Repealed	July 1, 2020
§ 89	91-9-507	SB 2851	Repealed	July 1, 2020
§ 89	91-9-503	SB 2851	Repealed	July 1, 2020
§ 89	91-9-511	SB 2851	Repealed	July 1, 2020
§ 89	91-9-509	SB 2851	Repealed	July 1, 2020
§ 89	91-9-501	SB 2851	Repealed	July 1, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 90	91-7-259	SB 2851	Repealed	July 1, 2020
§ 91	Classification Pending	SB 2851	Classification Pending	July 1, 2020
§ 92		SB 2851	Eff date	July 1, 2020
407				
§ 1	35-3-13	SB 2125	Amended	July 1, 2020
§ 2		SB 2125	Eff date	July 1, 2020
408				
§ 1	45-9-101	SB 2225	Amended	July 1, 2020
§ 2		SB 2225	Eff date	July 1, 2020
409				
§ 1	73-5-1	SB 2307	Reenacted	July 1, 2020
§ 2	73-5-3	SB 2307	Reenacted	July 1, 2020
§ 3	73-5-5	SB 2307	Reenacted	July 1, 2020
§ 4	73-5-7	SB 2307	Reenacted	July 1, 2020
§ 5	73-5-8	SB 2307	Reenacted	July 1, 2020
§ 6	73-5-9	SB 2307	Reenacted	July 1, 2020
§ 7	73-5-11	SB 2307	Reenacted	July 1, 2020
§ 8	73-5-12	SB 2307	Reenacted	July 1, 2020
§ 9	73-5-15	SB 2307	Reenacted	July 1, 2020
§ 10	73-5-17	SB 2307	Reenacted	July 1, 2020
§ 11	73-5-19	SB 2307	Reenacted	July 1, 2020
§ 12	73-5-21	SB 2307	Reenacted	July 1, 2020
§ 13	73-5-23	SB 2307	Reenacted	July 1, 2020
§ 14	73-5-25	SB 2307	Reenacted	July 1, 2020
§ 15	73-5-27	SB 2307	Reenacted	July 1, 2020
§ 16	73-5-29	SB 2307	Reenacted	July 1, 2020
§ 17	73-5-31	SB 2307	Reenacted	July 1, 2020
§ 18	73-5-33	SB 2307	Reenacted	July 1, 2020
§ 19	73-5-35	SB 2307	Reenacted	July 1, 2020
§ 20	73-5-37	SB 2307	Reenacted	July 1, 2020
§ 21	73-5-39	SB 2307	Reenacted	July 1, 2020
§ 22	73-5-41	SB 2307	Reenacted	July 1, 2020
§ 23	73-5-43	SB 2307	Amended	July 1, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 24	73-5-45	SB 2307	Amended	July 1, 2020
§ 25		SB 2307	Eff date	July 1, 2020
410				
§ 1	49-15-78	SB 2720	Amended	AP-June 29, 2020
§ 2		SB 2720	Eff date	AP-June 29, 2020
411				
§ 1	19-25-74	SB 2680	Amended	July 1, 2020
§ 2		SB 2680	Eff date	July 1, 2020
412				
§ 1	73-50-1	SB 2117	Amended	July 1, 2020
§ 2		SB 2117	Eff date	July 1, 2020
413				
§ 1	Classification Pending	SB 2725	Classification Pending	AP-June 29, 2020
§ 2	Classification Pending	SB 2725	Classification Pending	AP-June 29, 2020
§ 3	Classification Pending	SB 2725	Classification Pending	AP-June 29, 2020
§ 4	Classification Pending	SB 2725	Classification Pending	AP-June 29, 2020
§ 5	Classification Pending	SB 2725	Classification Pending	AP-June 29, 2020
§ 6	Classification Pending	SB 2725	Classification Pending	AP-June 29, 2020
§ 7	Classification Pending	SB 2725	Classification Pending	AP-June 29, 2020
§ 8	Classification Pending	SB 2725	Classification Pending	AP-June 29, 2020
§ 9	Classification Pending	SB 2725	Classification Pending	AP-June 29, 2020
§ 10	Classification Pending	SB 2725	Classification Pending	AP-June 29, 2020
§ 11	Classification Pending	SB 2725	Classification Pending	AP-June 29, 2020
§ 12	69-25-51	SB 2725	Amended	AP-June 29, 2020
§ 13	41-29-113	SB 2725	Amended	AP-June 29, 2020
§ 14	41-29-105	SB 2725	Amended	AP-June 29, 2020
§ 15	41-29-136	SB 2725	Amended	AP-June 29, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 16	Classification Pending	SB 2725	Classification Pending	AP-June 29, 2020
§ 17	Classification Pending	SB 2725	Classification Pending	AP-June 29, 2020
§ 18		SB 2725	Eff date	AP-June 29, 2020
414				
§ 1	47-5-6	HB 851	Amended	AP-June 29, 2020
§ 2		HB 851	Eff date	AP-June 29, 2020
415				
§ 1	Classification Pending	HB 940	Classification Pending	July 1, 2020
§ 2		HB 940	Eff date	July 1, 2020
416				
§ 1	41-99-1	SB 2626	Amended	July 1, 2020
§ 2	41-99-3	SB 2626	Amended	July 1, 2020
§ 3	41-99-5	SB 2626	Amended	July 1, 2020
§ 4	41-99-7	SB 2626	Amended	July 1, 2020
§ 5		SB 2626	Eff date	July 1, 2020
417				
§ 1	69-1-119	HB 1566	Added	July 1, 2020
§ 2	69-29-1	HB 1566	Amended	July 1, 2020
§ 3	25-1-77	HB 1566	Amended	July 1, 2020
§ 4	69-5-1	HB 1566	Amended	July 1, 2020
§ 5	69-5-3	HB 1566	Amended	July 1, 2020
§ 6	69-5-5	HB 1566	Amended	July 1, 2020
§ 7	69-5-7	HB 1566	Amended	July 1, 2020
§ 8	69-5-8	HB 1566	Amended	July 1, 2020
§ 9	69-5-11	HB 1566	Amended	July 1, 2020
§ 10	69-5-13	HB 1566	Amended	July 1, 2020
§ 11	69-5-15	HB 1566	Amended	July 1, 2020
§ 12	69-5-27	HB 1566	Amended	July 1, 2020
§ 13	69-5-29	HB 1566	Amended	July 1, 2020
§ 14	69-5-31	HB 1566	Amended	July 1, 2020
§ 15	Classification Pending	HB 1566	Classification Pending	July 1, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 16		HB 1566	Eff date	July 1, 2020
418				
§ 1	49-15-11	HB 827	Amended	July 1, 2020
§ 2	49-15-301	HB 827	Amended	July 1, 2020
§ 3	49-15-303	HB 827	Amended	July 1, 2020
§ 4	49-15-304	HB 827	Amended	July 1, 2020
§ 5	49-15-305	HB 827	Amended	July 1, 2020
§ 6	49-15-307	HB 827	Amended	July 1, 2020
§ 7	49-15-15	HB 827	Amended	July 1, 2020
§ 8	49-15-25	HB 827	Amended	July 1, 2020
§ 9		HB 827	Eff date	July 1, 2020
419				
§ 1	73-21-71	HB 688	Reenacted	July 1, 2020
§ 2	73-21-73	HB 688	Reenacted	July 1, 2020
§ 3	73-21-75	HB 688	Reenacted	July 1, 2020
§ 4	73-21-77	HB 688	Reenacted	July 1, 2020
§ 5	73-21-79	HB 688	Reenacted	July 1, 2020
§ 6	73-21-81	HB 688	Amended	July 1, 2020
§ 7	73-21-83	HB 688	Reenacted	July 1, 2020
§ 8	73-21-85	HB 688	Reenacted	July 1, 2020
§ 9	73-21-87	HB 688	Reenacted	July 1, 2020
§ 10	73-21-89	HB 688	Reenacted	July 1, 2020
§ 11	73-21-91	HB 688	Reenacted	July 1, 2020
§ 12	73-21-93	HB 688	Reenacted	July 1, 2020
§ 13	73-21-95	HB 688	Reenacted	July 1, 2020
§ 14	73-21-97	HB 688	Amended	July 1, 2020
§ 15	73-21-99	HB 688	Amended	July 1, 2020
§ 16	73-21-101	HB 688	Reenacted	July 1, 2020
§ 17	73-21-103	HB 688	Reenacted	July 1, 2020
§ 18	73-21-105	HB 688	Reenacted	July 1, 2020
§ 19	73-21-106	HB 688	Reenacted	July 1, 2020
§ 20	73-21-107	HB 688	Reenacted	July 1, 2020
§ 21	73-21-108	HB 688	Reenacted	July 1, 2020
§ 22	73-21-109	HB 688	Reenacted	July 1, 2020

2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 23	73-21-111	HB 688	Amended	July 1, 2020
§ 24	73-21-113	HB 688	Reenacted	July 1, 2020
§ 25	73-21-115	HB 688	Reenacted	July 1, 2020
§ 26	73-21-117	HB 688	Reenacted	July 1, 2020
§ 27	73-21-119	HB 688	Reenacted	July 1, 2020
§ 28	73-21-121	HB 688	Reenacted	July 1, 2020
§ 29	73-21-123	HB 688	Amended	July 1, 2020
§ 30	73-21-125	HB 688	Reenacted	July 1, 2020
§ 31	73-21-126	HB 688	Reenacted	July 1, 2020
§ 32	73-21-127	HB 688	Reenacted	July 1, 2020
§ 34	73-21-69	HB 688	Amended	July 1, 2020
§ 35		HB 688	Eff date	July 1, 2020
420				
§ 1	83-9-5	HB 95	Amended	July 1, 2020
§ 2	83-9-3	HB 95	Brought Forward	July 1, 2020
§ 3		HB 95	Eff date	July 1, 2020
421				
§ 1	27-7-15	HB 1748	Amended	Jan. 1, 2020
§ 2	Classification Pending	HB 1748	Classification Pending	Jan. 1, 2020
§ 3	Classification Pending	HB 1748	Classification Pending	Jan. 1, 2020
§ 4		HB 1748	Eff date	Jan. 1, 2020
422				
§ 1	67-1-41	HB 1088	Amended	Jan. 1, 2021
§ 2	67-1-43	HB 1088	Amended	Jan. 1, 2021
§ 3	67-1-45	HB 1088	Amended	Jan. 1, 2021
§ 4	67-1-51	HB 1088	Amended	Jan. 1, 2021
§ 5		HB 1088	Eff date	Jan. 1, 2021
423				
§ 1	67-1-3	HB 1087	Amended	July 1, 2020
§ 2	67-1-7	HB 1087	Amended	July 1, 2020
§ 3	67-1-9	HB 1087	Amended	July 1, 2020
§ 4	67-1-11	HB 1087	Amended	July 1, 2020

2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 5	67-1-14	HB 1087	Amended	July 1, 2020
§ 6	67-1-51	HB 1087	Amended	July 1, 2020
§ 7	67-3-7	HB 1087	Amended	July 1, 2020
§ 8	67-3-11	HB 1087	Amended	July 1, 2020
§ 9	67-3-13	HB 1087	Amended	July 1, 2020
424				
§ 1	Classification Pending	HB 353	Classification Pending	July 1, 2020
§ 2		HB 353	Eff date	July 1, 2020
425				
§ 1	27-65-7	HB 379	Amended	July 1, 2020
§ 2	27-65-9	HB 379	Amended	July 1, 2020
§ 3	27-67-3	HB 379	Amended	July 1, 2020
§ 4	27-67-11	HB 379	Amended	July 1, 2020
§ 5	27-67-31	HB 379	Amended	July 1, 2020
§ 6		HB 379	Eff date	July 1, 2020
426				
§ 1	Classification Pending	HB 25	Classification Pending	July 1, 2020
§ 2		HB 25	Eff date	July 1, 2020
427				
§ 1	Classification Pending	HB 1796	Classification Pending	AP-July 4, 2020
§ 2	Classification Pending	HB 1796	Classification Pending	AP-July 4, 2020
§ 3	23-15-351	HB 1796	Amended	AP-July 4, 2020
§ 4	23-15-355	HB 1796	Amended	AP-July 4, 2020
§ 5	3-3-16	HB 1796	Repealed	AP-July 4, 2020
§ 6	Classification Pending	HB 1796	Classification Pending	AP-July 4, 2020
§ 7		HB 1796	Eff date	AP-July 4, 2020
428				
§ 1	67-1-37	SB 2333	Amended	July 1, 2020
§ 2	27-71-29	SB 2333	Amended	July 1, 2020
§ 3		SB 2333	Eff date	July 1, 2020

2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
429				
§ 1	67-1-51	SB 2545	Amended	July 1, 2020
§ 2	67-1-52	SB 2545	Amended	July 1, 2020
§ 3	27-71-5	SB 2545	Amended	July 1, 2020
§ 4	67-1-41	SB 2545	Amended	July 1, 2020
§ 5	67-5-11	SB 2545	Amended	July 1, 2020
§ 6	67-1-5	SB 2545	Amended	July 1, 2020
§ 7	67-1-77	SB 2545	Amended	July 1, 2020
§ 8	67-1-45	SB 2545	Amended	July 1, 2020
§ 9		SB 2545	Eff date	July 1, 2020
430				
§ 1	41-26-101	SB 2674	Amended	July 1, 2020
§ 2		SB 2674	Eff date	July 1, 2020
431				
§ 1	67-3-9	HB 654	Amended	AP-July 1, 2020
§ 2		HB 654	Eff date	AP-July 1, 2020
432				
§ 1	45-11-7	HB 1253	Amended	July 1, 2020
§ 2		HB 1253	Eff date	July 1, 2020
433				
§ 1	Classification Pending	SB 2553	Classification Pending	July 1, 2020
§ 2	Classification Pending	SB 2553	Classification Pending	July 1, 2020
§ 3	Classification Pending	SB 2553	Classification Pending	July 1, 2020
§ 4	Classification Pending	SB 2553	Classification Pending	July 1, 2020
§ 5	Classification Pending	SB 2553	Classification Pending	July 1, 2020
§ 6	Classification Pending	SB 2553	Classification Pending	July 1, 2020
§ 7	Classification Pending	SB 2553	Classification Pending	July 1, 2020
§ 8	Classification Pending	SB 2553	Classification Pending	July 1, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 9	Classification Pending	SB 2553	Classification Pending	July 1, 2020
§ 10	Classification Pending	SB 2553	Classification Pending	July 1, 2020
§ 11	Classification Pending	SB 2553	Classification Pending	July 1, 2020
§ 12	Classification Pending	SB 2553	Classification Pending	July 1, 2020
§ 13	Classification Pending	SB 2553	Classification Pending	July 1, 2020
§ 14	11-21-5	SB 2553	Amended	July 1, 2020
§ 15		SB 2553	Eff date	July 1, 2020
434				
§ 1	Classification Pending	HB 1295	Classification Pending	July 1, 2020
§ 2	Classification Pending	HB 1295	Classification Pending	July 1, 2020
§ 3	Classification Pending	HB 1295	Classification Pending	July 1, 2020
§ 4	Classification Pending	HB 1295	Classification Pending	July 1, 2020
§ 5	Classification Pending	HB 1295	Classification Pending	July 1, 2020
§ 6	Classification Pending	HB 1295	Classification Pending	July 1, 2020
§ 7	Classification Pending	HB 1295	Classification Pending	July 1, 2020
§ 8	Classification Pending	HB 1295	Classification Pending	July 1, 2020
§ 9	Classification Pending	HB 1295	Classification Pending	July 1, 2020
§ 10	Classification Pending	HB 1295	Classification Pending	July 1, 2020
§ 11		HB 1295	Eff date	July 1, 2020
435				
§ 1	25-3-3	HB 415	Amended	AP-July 2, 2020
§ 2	25-3-17	HB 415	Amended	AP-July 2, 2020
§ 3	25-3-19	HB 415	Amended	AP-July 2, 2020
§ 4	25-3-29	HB 415	Amended	AP-July 2, 2020

2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 5	25-3-36	HB 415	Amended	AP-July 2, 2020
§ 6		HB 415	Eff date	AP-July 2, 2020
436				
§ 1	43-21-505	HB 1286	Amended	July 1, 2020
§ 2		HB 1286	Eff date	July 1, 2020
437				
§ 1	Classification Pending	HB 1743	Classification Pending	AP-July 2, 2020
§ 2		HB 1743	Eff date	AP-July 2, 2020
438				
§ 1	27-33-31	SB 2290	Amended	July 1, 2020
§ 2		SB 2290	Eff date	July 1, 2020
439				
§ 1	27-31-55	SB 3048	Amended	AP-July 3, 2020
§ 2		SB 3048	Eff date	AP-July 3, 2020
440				
§ 1	57-26-1	SB 2847	Amended	July 1, 2020
§ 2	57-26-5	SB 2847	Amended	July 1, 2020
§ 3		SB 2847	Eff date	July 1, 2020
441				
§ 1	27-67-35	SB 2362	Amended	July 1, 2020
§ 2		SB 2362	Eff date	July 1, 2020
442				
§ 1	Classification Pending	SB 2764	Classification Pending	Jan. 1, 2021
§ 2	Classification Pending	SB 2764	Classification Pending	Jan. 1, 2021
§ 3	Classification Pending	SB 2764	Classification Pending	Jan. 1, 2021
§ 4		SB 2764	Eff date	Jan. 1, 2021
443				
§ 1	Classification Pending	SB 2807	Classification Pending	AP-July 3, 2020
§ 2		SB 2807	Eff date	AP-July 3, 2020
444				
§ 1	27-104-301	SB 2583	Amended	AP-July 6, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 2		SB 2583	Eff date	AP-July 6, 2020
445				
§ 1	71-5-355	SB 3051	Amended	July 1, 2020
§ 2	71-5-353	SB 3051	Amended	July 1, 2020
§ 3		SB 3051	Eff date	July 1, 2020
446				
§ 1	45-33-63	SB 2009	Added	July 1, 2020
§ 2		SB 2009	Eff date	July 1, 2020
447				
§ 1	83-2-7	HB 773	Amended	July 1, 2020
§ 2	83-2-3	HB 773	Amended	July 1, 2020
§ 3	45-45-27	HB 773	Amended	July 1, 2020
§ 4		HB 773	Eff date	July 1, 2020
448				
§ 1	27-77-5	HB 861	Amended	July 1, 2020
§ 2		HB 861	Eff date	July 1, 2020
449				
§ 1	27-65-27	HB 865	Amended	July 1, 2020
§ 2		HB 865	Eff date	July 1, 2020
450				
§ 1	Classification Pending	HB 1279	Classification Pending	July 1, 2020
§ 2	Classification Pending	HB 1279	Classification Pending	July 1, 2020
§ 3	Classification Pending	HB 1279	Classification Pending	July 1, 2020
§ 4	Classification Pending	HB 1279	Classification Pending	July 1, 2020
§ 5	Classification Pending	HB 1279	Classification Pending	July 1, 2020
§ 6	Classification Pending	HB 1279	Classification Pending	July 1, 2020
§ 7	Classification Pending	HB 1279	Classification Pending	July 1, 2020
§ 8	Classification Pending	HB 1279	Classification Pending	July 1, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 9	Classification Pending	HB 1279	Classification Pending	July 1, 2020
§ 10	Classification Pending	HB 1279	Classification Pending	July 1, 2020
§ 11	Classification Pending	HB 1279	Classification Pending	July 1, 2020
§ 12	Classification Pending	HB 1279	Added	July 1, 2020
§ 13	Classification Pending	HB 1279	Classification Pending	July 1, 2020
§ 14	Classification Pending	HB 1279	Classification Pending	July 1, 2020
§ 15	Classification Pending	HB 1279	Classification Pending	July 1, 2020
§ 16	Classification Pending	HB 1279	Classification Pending	July 1, 2020
§ 17	Classification Pending	HB 1279	Classification Pending	July 1, 2020
§ 18	Classification Pending	HB 1279	Classification Pending	July 1, 2020
§ 19		HB 1279	Eff date	July 1, 2020
451				
§ 1	65-4-5	HB 1383	Amended	July 1, 2020
§ 2	65-4-15	HB 1383	Amended	July 1, 2020
§ 3		HB 1383	Eff date	July 1, 2020
452				
§ 1	65-43-3	HB 1080	Amended	July 1, 2020
§ 2		HB 1080	Eff date	July 1, 2020
453				
§ 1	27-7-22.31	HB 1729	Amended	Jan. 1, 2020
§ 2	27-7-22.41	HB 1729	Amended	Jan. 1, 2020
§ 3	27-7-22.39	HB 1729	Amended	Jan. 1, 2020
§ 4	27-7-22.32	HB 1729	Amended	Jan. 1, 2020
§ 5	27-65-101	HB 1729	Amended	Jan. 1, 2020
§ 6	57-87-5	HB 1729	Amended	Jan. 1, 2020
§ 7	57-87-7	HB 1729	Amended	Jan. 1, 2020
§ 8	Classification Pending	HB 1729	Classification Pending	Jan. 1, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 9		HB 1729	Eff date	Jan. 1, 2020
454				
§ 1	Classification Pending	SB 2277	Classification Pending	July 1, 2020
§ 2	Classification Pending	SB 2277	Classification Pending	July 1, 2020
§ 3		SB 2277	Eff date	July 1, 2020
455				
§ 1	77-3-721	SB 2194	Amended	July 1, 2020
§ 2		SB 2194	Eff date	July 1, 2020
456				
§ 1	47-5-901	SB 2279	Reenacted	July 1, 2020
§ 2	47-5-903	SB 2279	Reenacted	July 1, 2020
§ 3	47-5-905	SB 2279	Reenacted	July 1, 2020
§ 4	47-5-907	SB 2279	Reenacted	July 1, 2020
§ 5	47-5-909	SB 2279	Reenacted	July 1, 2020
§ 6	47-5-911	SB 2279	Amended	July 1, 2020
§ 7		SB 2279	Eff date	July 1, 2020
457				
§ 1	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 2	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 3	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 4	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 5	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 6	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 7	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 8	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 9	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 10	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 11	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 12	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 13	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 14	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 15	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 16	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 17	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 18	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 19	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 20	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 21	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 22	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 23	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 24	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 25	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 26	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 27	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 28	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 29	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020

2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 30	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 31	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 32	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 33	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 34	27-19-56.40	SB 2288	Added	AP-July 8, 2020
§ 35	27-19-56.140	SB 2288	Added	AP-July 8, 2020
§ 36	27-19-56.205	SB 2288	Added	AP-July 8, 2020
§ 37	27-19-56.306	SB 2288	Amended	AP-July 8, 2020
§ 38	27-19-56.308	SB 2288	Amended	AP-July 8, 2020
§ 39	27-19-56.310	SB 2288	Amended	AP-July 8, 2020
§ 40	27-19-56.311	SB 2288	Amended	AP-July 8, 2020
§ 41	27-19-56.331	SB 2288	Amended	AP-July 8, 2020
§ 42	27-19-56.369	SB 2288	Amended	AP-July 8, 2020
§ 43	27-19-56.400	SB 2288	Amended	AP-July 8, 2020
§ 44	27-19-56.430	SB 2288	Amended	AP-July 8, 2020
§ 45	27-19-56.431	SB 2288	Amended	AP-July 8, 2020
§ 46	27-19-56.480	SB 2288	Amended	AP-July 8, 2020
§ 47	27-19-56.371	SB 2288	Amended	AP-July 8, 2020
§ 48	27-19-56.425	SB 2288	Amended	AP-July 8, 2020
§ 49	27-19-56.90	SB 2288	Amended	AP-July 8, 2020
§ 50	27-19-56.67	SB 2288	Amended	AP-July 8, 2020
§ 51	27-19-56.377	SB 2288	Amended	AP-July 8, 2020
§ 52	27-19-56	SB 2288	Amended	AP-July 8, 2020
§ 53	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 54	27-19-56.12	SB 2288	Amended	AP-July 8, 2020
§ 55	27-19-56.62	SB 2288	Amended	AP-July 8, 2020
§ 56	27-19-56.85	SB 2288	Amended	AP-July 8, 2020
§ 57	27-19-56.125	SB 2288	Amended	AP-July 8, 2020
§ 58	27-19-56.162	SB 2288	Amended	AP-July 8, 2020
§ 59	27-19-56.186	SB 2288	Amended	AP-July 8, 2020
§ 60	27-19-56.187	SB 2288	Amended	AP-July 8, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 61	27-19-56.199	SB 2288	Amended	AP-July 8, 2020
§ 62	27-19-56.450	SB 2288	Amended	AP-July 8, 2020
§ 63	27-19-44	SB 2288	Amended	AP-July 8, 2020
§ 64	27-51-41	SB 2288	Amended	AP-July 8, 2020
§ 65	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 66	Classification Pending	SB 2288	Classification Pending	AP-July 8, 2020
§ 67		SB 2288	Eff date	AP-July 8, 2020
458				
§ 1	67-1-5	SB 2253	Amended	July 1, 2020
§ 2	67-1-7	SB 2253	Amended	July 1, 2020
§ 3	67-1-37	SB 2253	Amended	July 1, 2020
§ 4	67-1-16	SB 2253	Amended	July 1, 2020
§ 5	67-1-77	SB 2253	Amended	July 1, 2020
§ 6	67-1-51	SB 2253	Amended	July 1, 2020
§ 7		SB 2253	Eff date	July 1, 2020
459				
§ 1	69-13-111	HB 576	Amended	AP-July 2, 2020
§ 2	Classification Pending	HB 576	Classification Pending	AP-July 2, 2020
§ 3		HB 576	Eff date	AP-July 2, 2020
460				
§ 1	23-15-153	HB 824	Amended	July 1, 2020
§ 2	23-15-227	HB 824	Amended	July 1, 2020
§ 3	23-15-229	HB 824	Amended	July 1, 2020
§ 4		HB 824	Eff date	July 1, 2020
461				
§ 1	93-17-3	HB 1134	Amended	July 1, 2020
§ 2		HB 1134	Eff date	July 1, 2020
462				
§ 1	85-7-251	HB 359	Amended	AP-July 2, 2020
§ 2	63-17-74	HB 359	Amended	AP-July 2, 2020
§ 3		HB 359	Eff date	AP-July 2, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
463				
§ 1	93-21-5	SB 2821	Amended	July 1, 2020
§ 2	93-21-7	SB 2821	Amended	July 1, 2020
§ 3	93-21-16	SB 2821	Amended	July 1, 2020
§ 4	93-21-21	SB 2821	Amended	July 1, 2020
§ 5	Classification Pending	SB 2821	Classification Pending	July 1, 2020
§ 6	27-19-21	SB 2821	Amended	July 1, 2020
§ 7	27-19-23	SB 2821	Amended	July 1, 2020
§ 8		SB 2821	Eff date	July 1, 2020
464				
§ 1	47-5-931	SB 2684	Amended	July 1, 2020
§ 2	47-5-933	SB 2684	Amended	July 1, 2020
§ 3		SB 2684	Eff date	July 1, 2020
465				
§ 1	47-5-24	SB 2696	Amended	AP-July 8, 2020
§ 2		SB 2696	Eff date	AP-July 8, 2020
466				
§ 1	43-19-33	SB 2877	Amended	July 1, 2020
§ 2	93-9-9	SB 2877	Amended	July 1, 2020
§ 3	93-9-21	SB 2877	Amended	July 1, 2020
§ 4		SB 2877	Eff date	July 1, 2020
467				
§ 1	47-7-3	SB 2469	Amended	July 1, 2020
§ 2		SB 2469	Eff date	July 1, 2020
468				
§ 1	97-41-16	SB 2658	Amended	July 1, 2020
§ 2		SB 2658	Eff date	July 1, 2020
469				
§ 1	33-15-307	HB 524	Amended	July 1, 2020
§ 2		HB 524	Eff date	July 1, 2020
470				
§ 1	67-1-81	SB 2596	Amended	AP-July 8, 2020
§ 2	97-32-52	SB 2596	Added	AP-July 8, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 3	97-32-51	SB 2596	Amended	AP-July 8, 2020
§ 4	97-32-9	SB 2596	Amended	AP-July 8, 2020
§ 5	97-32-7	SB 2596	Amended	AP-July 8, 2020
§ 6	97-32-13	SB 2596	Amended	AP-July 8, 2020
§ 7	97-32-21	SB 2596	Amended	AP-July 8, 2020
§ 8	97-32-2	SB 2596	Amended	AP-July 8, 2020
§ 9		SB 2596	Eff date	AP-July 8, 2020
471				
§ 1	63-1-9	SB 3052	Amended	July 1, 2020
§ 2	Classification Pending	SB 3052	Classification Pending	July 1, 2020
§ 3	25-15-409	SB 3052	Amended	July 1, 2020
§ 4		SB 3052	Eff date	July 1, 2020
472				
§ 1	23-15-637	HB 1521	Amended	AP-July 8, 2020
§ 2	23-15-651	HB 1521	Amended	AP-July 8, 2020
§ 3	23-15-645	HB 1521	Amended	AP-July 8, 2020
§ 4	23-15-649	HB 1521	Amended	AP-July 8, 2020
§ 5	23-15-627	HB 1521	Amended	AP-July 8, 2020
§ 6	23-15-713	HB 1521	Amended	AP-July 8, 2020
§ 7	23-15-715	HB 1521	Amended	AP-July 8, 2020
§ 8	23-15-719	HB 1521	Amended	AP-July 8, 2020
§ 9	23-15-625	HB 1521	Amended	AP-July 8, 2020
§ 10	23-15-629	HB 1521	Amended	AP-July 8, 2020
§ 11	23-15-631	HB 1521	Amended	AP-July 8, 2020
§ 12	23-15-635	HB 1521	Amended	AP-July 8, 2020
§ 13	23-15-639	HB 1521	Amended	AP-July 8, 2020
§ 14	23-15-641	HB 1521	Amended	AP-July 8, 2020
§ 15	23-15-647	HB 1521	Amended	AP-July 8, 2020
§ 16	23-15-699	HB 1521	Amended	AP-July 8, 2020
§ 17	23-15-721	HB 1521	Amended	AP-July 8, 2020
§ 18	23-15-731	HB 1521	Amended	AP-July 8, 2020
§ 19	23-15-733	HB 1521	Amended	AP-July 8, 2020
§ 20	23-15-735	HB 1521	Amended	AP-July 8, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 21		HB 1521	Eff date	AP-July 8, 2020
473				
§ 1	21-27-207	SB 2311	Reenacted	July 1, 2020
§ 2	41-3-15	SB 2311	Reenacted	July 1, 2020
§ 3	41-3-18	SB 2311	Reenacted	July 1, 2020
§ 4	41-3-65	SB 2311	Reenacted	July 1, 2020
§ 5	41-9-9	SB 2311	Reenacted	July 1, 2020
§ 6	41-26-23	SB 2311	Reenacted	July 1, 2020
§ 7	41-26-101	SB 2311	Reenacted	July 1, 2020
§ 8	41-58-3	SB 2311	Amended	July 1, 2020
§ 9	41-59-11	SB 2311	Reenacted	July 1, 2020
§ 10	41-59-17	SB 2311	Reenacted	July 1, 2020
§ 11	41-59-23	SB 2311	Reenacted	July 1, 2020
§ 12	41-59-33	SB 2311	Reenacted	July 1, 2020
§ 13	41-59-35	SB 2311	Reenacted	July 1, 2020
§ 14	41-59-65	SB 2311	Reenacted	July 1, 2020
§ 15	41-59-79	SB 2311	Reenacted	July 1, 2020
§ 16	41-67-12	SB 2311	Reenacted	July 1, 2020
§ 17	41-67-25	SB 2311	Reenacted	July 1, 2020
§ 18	41-67-37	SB 2311	Reenacted	July 1, 2020
§ 19	41-67-39	SB 2311	Reenacted	July 1, 2020
§ 20	41-71-5	SB 2311	Reenacted	July 1, 2020
§ 21	41-71-7	SB 2311	Reenacted	July 1, 2020
§ 22	41-75-7	SB 2311	Reenacted	July 1, 2020
§ 23	41-75-9	SB 2311	Reenacted	July 1, 2020
§ 24	41-77-9	SB 2311	Reenacted	July 1, 2020
§ 25	41-77-25	SB 2311	Reenacted	July 1, 2020
§ 26	41-85-7	SB 2311	Reenacted	July 1, 2020
§ 27	41-125-7	SB 2311	Reenacted	July 1, 2020
§ 28	43-11-7	SB 2311	Reenacted	July 1, 2020
§ 29	43-11-8	SB 2311	Reenacted	July 1, 2020
§ 30	43-11-9	SB 2311	Reenacted	July 1, 2020
§ 31	43-11-13	SB 2311	Reenacted	July 1, 2020
§ 32	43-16-25	SB 2311	Reenacted	July 1, 2020

2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 33	43-20-8	SB 2311	Reenacted	July 1, 2020
§ 34	43-20-11	SB 2311	Reenacted	July 1, 2020
§ 35	43-20-13	SB 2311	Reenacted	July 1, 2020
§ 36	43-20-59	SB 2311	Reenacted	July 1, 2020
§ 37	45-14-31	SB 2311	Reenacted	July 1, 2020
§ 38	45-23-23	SB 2311	Reenacted	July 1, 2020
§ 39	45-23-41	SB 2311	Reenacted	July 1, 2020
§ 40	45-23-45	SB 2311	Reenacted	July 1, 2020
§ 41	45-23-53	SB 2311	Reenacted	July 1, 2020
§ 42	73-7-71	SB 2311	Reenacted	July 1, 2020
§ 43	73-10-9	SB 2311	Reenacted	July 1, 2020
§ 44	73-10-11	SB 2311	Reenacted	July 1, 2020
§ 45	73-10-21	SB 2311	Reenacted	July 1, 2020
§ 46	73-14-17	SB 2311	Reenacted	July 1, 2020
§ 47	73-14-19	SB 2311	Reenacted	July 1, 2020
§ 48	73-14-27	SB 2311	Reenacted	July 1, 2020
§ 49	73-14-31	SB 2311	Reenacted	July 1, 2020
§ 50	73-24-29	SB 2311	Reenacted	July 1, 2020
§ 51	73-38-31	SB 2311	Reenacted	July 1, 2020
§ 52	73-55-13	SB 2311	Reenacted	July 1, 2020
§ 53	73-57-19	SB 2311	Reenacted	July 1, 2020
§ 54	73-57-21	SB 2311	Reenacted	July 1, 2020
§ 55	73-57-27	SB 2311	Reenacted	July 1, 2020
§ 56	73-57-29	SB 2311	Reenacted	July 1, 2020
§ 57	73-61-1	SB 2311	Reenacted	July 1, 2020
§ 58	73-61-3	SB 2311	Reenacted	July 1, 2020
§ 59	73-65-5	SB 2311	Reenacted	July 1, 2020
§ 60	73-65-9	SB 2311	Reenacted	July 1, 2020
§ 61	73-65-11	SB 2311	Reenacted	July 1, 2020
§ 62	75-29-805	SB 2311	Reenacted	July 1, 2020
§ 63	75-31-65	SB 2311	Reenacted	July 1, 2020
§ 64	75-74-11	SB 2311	Reenacted	July 1, 2020
§ 65	Classification Pending	SB 2311	Classification Pending	July 1, 2020

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§ 66		SB 2311	Eff date	July 1, 2020
474				
§ 1	25-31-5	HB 1490	Amended	Jan. 1, 2023
§ 2	25-31-10	HB 1490	Amended	Jan. 1, 2023
§ 3	9-7-63	HB 1490	Added	Jan. 1, 2023
§ 4	9-7-64	HB 1490	Added	Jan. 1, 2023
§ 5	9-7-45	HB 1490	Amended	Jan. 1, 2023
§ 6	9-7-46	HB 1490	Amended	Jan. 1, 2023
§ 7	9-5-13	HB 1490	Amended	Jan. 1, 2023
§ 8	Classification Pending	HB 1490	Classification Pending	Jan. 1, 2023
§ 9	Classification Pending	HB 1490	Classification Pending	Jan. 1, 2023
§ 10		HB 1490	Eff date	Jan. 1, 2023
475				
§ 1	Classification Pending	SB 3049	Classification Pending	Mar. 14, 2020
§ 2	Classification Pending	SB 3049	Classification Pending	Mar. 14, 2020
§ 3	Classification Pending	SB 3049	Classification Pending	Mar. 14, 2020
§ 4	Classification Pending	SB 3049	Classification Pending	Mar. 14, 2020
§ 5	Classification Pending	SB 3049	Classification Pending	Mar. 14, 2020
§ 6	Classification Pending	SB 3049	Classification Pending	Mar. 14, 2020
§ 7	Classification Pending	SB 3049	Classification Pending	Mar. 14, 2020
§ 8		SB 3049	Eff date	Mar. 14, 2020
476				
§ 1	37-153-5	SB 2564	Amended	July 1, 2020
§ 2	37-153-7	SB 2564	Amended	July 1, 2020
§ 3	37-153-11	SB 2564	Amended	July 1, 2020
§ 4	37-153-13	SB 2564	Amended	July 1, 2020
§ 5	71-5-353	SB 2564	Amended	July 1, 2020
§ 6	71-5-453	SB 2564	Amended	July 1, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 7	Classification Pending	SB 2564	Classification Pending	July 1, 2020
§ 8	37-153-17	SB 2564	Added	July 1, 2020
§ 9		SB 2564	Eff date	July 1, 2020
477				
§ 1	63-1-13	HB 1371	Amended	AP-July 8, 2020
§ 2	63-1-16	HB 1371	Amended	AP-July 8, 2020
§ 3	63-1-35	HB 1371	Amended	AP-July 8, 2020
§ 4	45-35-3	HB 1371	Amended	AP-July 8, 2020
§ 5	63-1-33	HB 1371	Amended	AP-July 8, 2020
§ 6	63-1-43	HB 1371	Amended	AP-July 8, 2020
§ 7	63-1-47	HB 1371	Amended	AP-July 8, 2020
§ 8	63-1-208	HB 1371	Amended	AP-July 8, 2020
§ 9	63-1-211	HB 1371	Amended	AP-July 8, 2020
§ 10	45-33-25	HB 1371	Amended	AP-July 8, 2020
§ 11	45-33-27	HB 1371	Amended	AP-July 8, 2020
§ 12	45-33-29	HB 1371	Amended	AP-July 8, 2020
§ 13	45-33-31	HB 1371	Amended	AP-July 8, 2020
§ 14	45-33-33	HB 1371	Amended	AP-July 8, 2020
§ 15	45-33-35	HB 1371	Amended	AP-July 8, 2020
§ 16		HB 1371	Eff date	AP-July 8, 2020
478				
§ 1	37-61-33	HB 127	Amended	AP-July 2, 2020
§ 2	41-113-11	HB 127	Amended	AP-July 2, 2020
§ 3	Classification Pending	HB 127	Classification Pending	AP-July 2, 2020
§ 4		HB 127	Eff date	AP-July 2, 2020
479				
§ 1	Classification Pending	SB 2610	Classification Pending	AP-July 8, 2020
§ 2	Classification Pending	SB 2610	Classification Pending	AP-July 8, 2020
§ 3	Classification Pending	SB 2610	Classification Pending	AP-July 8, 2020
§ 4	Classification Pending	SB 2610	Classification Pending	AP-July 8, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 5	Classification Pending	SB 2610	Classification Pending	AP-July 8, 2020
§ 6	Classification Pending	SB 2610	Classification Pending	AP-July 8, 2020
§ 7	Classification Pending	SB 2610	Classification Pending	AP-July 8, 2020
§ 8	41-4-7	SB 2610	Amended	AP-July 8, 2020
§ 9	41-19-33	SB 2610	Amended	AP-July 8, 2020
§ 10		SB 2610	Eff date	AP-July 8, 2020
480				
§ 1	31-19-25	HB 24	Amended	AP-July 2, 2020
§ 2		HB 24	Eff date	AP-July 2, 2020
481				
§ 1	21-33-303	HB 23	Amended	AP-July 2, 2020
§ 2		HB 23	Eff date	AP-July 2, 2020
482				
§ 1	Classification Pending	SB 2563	Classification Pending	July 1, 2020
§ 2	Classification Pending	SB 2563	Classification Pending	July 1, 2020
§ 3	Classification Pending	SB 2563	Classification Pending	July 1, 2020
§ 4	Classification Pending	SB 2563	Classification Pending	July 1, 2020
§ 5	Classification Pending	SB 2563	Classification Pending	July 1, 2020
§ 6	Classification Pending	SB 2563	Classification Pending	July 1, 2020
§ 7	57-1-14	SB 2563	Amended	July 1, 2020
§ 8	Classification Pending	SB 2563	Classification Pending	July 1, 2020
§ 9		SB 2563	Eff date	July 1, 2020
483				
§ 1	Classification Pending	HB 1784	Classification Pending	AP-July 2, 2020
§ 2		HB 1784	Eff date	AP-July 2, 2020

2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
484				
§ 1	Classification Pending	HB 1805	Classification Pending	AP-July 8, 2020
§ 2		HB 1805	Eff date	AP-July 8, 2020
485				
§ 1	47-5-901	HB 685	Amended	July 1, 2020
§ 2	47-5-903	HB 685	Reenacted	July 1, 2020
§ 3	47-5-905	HB 685	Reenacted	July 1, 2020
§ 4	47-5-907	HB 685	Reenacted	July 1, 2020
§ 5	47-5-909	HB 685	Reenacted	July 1, 2020
§ 6	47-5-911	HB 685	Amended	July 1, 2020
§ 7	47-5-26	HB 685	Amended	July 1, 2020
§ 8	47-5-28	HB 685	Amended	July 1, 2020
§ 9	47-5-471	HB 685	Amended	July 1, 2020
§ 10		HB 685	Eff date	July 1, 2020
486				
§ 1	Classification Pending	SB 3047	Classification Pending	AP-July 8, 2020
§ 2	Classification Pending	SB 3047	Classification Pending	AP-July 8, 2020
§ 3	Classification Pending	SB 3047	Classification Pending	AP-July 8, 2020
§ 4	Classification Pending	SB 3047	Classification Pending	AP-July 8, 2020
§ 5	Classification Pending	SB 3047	Classification Pending	AP-July 8, 2020
§ 6	Classification Pending	SB 3047	Classification Pending	AP-July 8, 2020
§ 7	Classification Pending	SB 3047	Classification Pending	AP-July 8, 2020
§ 8	Classification Pending	SB 3047	Classification Pending	AP-July 8, 2020
§ 9		SB 3047	Eff date	AP-July 8, 2020
487				
§ 1	Classification Pending	SB 3046	Classification Pending	AP-July 8, 2020
§ 2	Classification Pending	SB 3046	Classification Pending	AP-July 8, 2020

2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 3	Classification Pending	SB 3046	Classification Pending	AP-July 8, 2020
§ 4	Classification Pending	SB 3046	Classification Pending	AP-July 8, 2020
§ 5	Classification Pending	SB 3046	Classification Pending	AP-July 8, 2020
§ 6	Classification Pending	SB 3046	Classification Pending	AP-July 8, 2020
§ 7	Classification Pending	SB 3046	Classification Pending	AP-July 8, 2020
§ 8		SB 3046	Eff date	AP-July 8, 2020
488				
§ 1	Classification Pending	SB 3044	Classification Pending	AP-July 8, 2020
§ 2	Classification Pending	SB 3044	Classification Pending	AP-July 8, 2020
§ 3	Classification Pending	SB 3044	Classification Pending	AP-July 8, 2020
§ 4	Classification Pending	SB 3044	Classification Pending	AP-July 8, 2020
§ 5	Classification Pending	SB 3044	Classification Pending	AP-July 8, 2020
§ 6	Classification Pending	SB 3044	Classification Pending	AP-July 8, 2020
§ 7	Classification Pending	SB 3044	Classification Pending	AP-July 8, 2020
§ 8	Classification Pending	SB 3044	Classification Pending	AP-July 8, 2020
§ 9	Classification Pending	SB 3044	Classification Pending	AP-July 8, 2020
§ 10	31-7-13	SB 3044	Amended	AP-July 8, 2020
§ 11	Classification Pending	SB 3044	Classification Pending	AP-July 8, 2020
§ 12		SB 3044	Eff date	AP-July 8, 2020
489				
§ 1	Classification Pending	HB 1793	Classification Pending	AP-July 8, 2020
§ 2	Classification Pending	HB 1793	Classification Pending	AP-July 8, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 3	Classification Pending	HB 1793	Classification Pending	AP-July 8, 2020
§ 4	Classification Pending	HB 1793	Classification Pending	AP-July 8, 2020
§ 5	Classification Pending	HB 1793	Classification Pending	AP-July 8, 2020
§ 6	Classification Pending	HB 1793	Classification Pending	AP-July 8, 2020
§ 7	Classification Pending	HB 1793	Classification Pending	AP-July 8, 2020
§ 8	Classification Pending	HB 1793	Classification Pending	AP-July 8, 2020
§ 9	Classification Pending	HB 1793	Classification Pending	AP-July 8, 2020
§ 10	Classification Pending	HB 1793	Classification Pending	AP-July 8, 2020
§ 11	Classification Pending	HB 1793	Classification Pending	AP-July 8, 2020
§ 12	Classification Pending	HB 1793	Classification Pending	AP-July 8, 2020
§ 13	Classification Pending	HB 1793	Classification Pending	AP-July 8, 2020
§ 14		HB 1793	Eff date	AP-July 8, 2020
490				
§ 1	Classification Pending	HB 1791	Classification Pending	AP-July 2, 2020
§ 2	Classification Pending	HB 1791	Classification Pending	AP-July 2, 2020
§ 3	Classification Pending	HB 1791	Classification Pending	AP-July 2, 2020
§ 4	Classification Pending	HB 1791	Classification Pending	AP-July 2, 2020
§ 5	57-1-64.1	HB 1791	Amended	AP-July 2, 2020
§ 6		HB 1791	Eff date	AP-July 2, 2020
491				
§ 1	Classification Pending	HB 1788	Classification Pending	AP-July 9, 2020
§ 2	Classification Pending	HB 1788	Classification Pending	AP-July 9, 2020

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§ 3	Classification Pending	HB 1788	Classification Pending	AP-July 9, 2020
§ 4	Classification Pending	HB 1788	Classification Pending	AP-July 9, 2020
§ 5	Classification Pending	HB 1788	Classification Pending	AP-July 9, 2020
§ 6	Classification Pending	HB 1788	Classification Pending	AP-July 9, 2020
§ 7		HB 1788	Eff date	AP-July 9, 2020
492				
§ 1	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 2	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 3	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 4	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 5	57-1-701	HB 1730	Amended	AP-July 8, 2020
§ 6	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 7	57-61-25	HB 1730	Amended	AP-July 8, 2020
§ 8	57-61-36	HB 1730	Amended	AP-July 8, 2020
§ 9	57-75-15	HB 1730	Amended	AP-July 8, 2020
§ 10	65-4-25	HB 1730	Amended	AP-July 8, 2020
§ 11	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 12	57-1-18	HB 1730	Amended	AP-July 8, 2020
§ 13	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 14	57-1-221	HB 1730	Amended	AP-July 8, 2020
§ 15	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 16	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 17	49-17-85	HB 1730	Amended	AP-July 8, 2020
§ 18	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020

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§ 19	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 20	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 21	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 22	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 23	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 24	39-5-145	HB 1730	Amended	AP-July 8, 2020
§ 25	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 26	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 27	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 28	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 29	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 30	57-46-1	HB 1730	Amended	AP-July 8, 2020
§ 31	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 32	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 33	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 34	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 35	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 36	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 37	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 38	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 39	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 40	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 41	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 42	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 43	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 44	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 45	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 46	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 47	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 48	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 49	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 50	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 51	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 52	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 53	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 54	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 55	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 56	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 57	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 58	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 59	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 60	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 61	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 62	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 63	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 64	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 65	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 66	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 67	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 68	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 69	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 70	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 71	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 72	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 73	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 74	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 75	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 76	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 77	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 78	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 79	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 80	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 81	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 82	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 83	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 84	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 85	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 86	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 87	right-of-way	HB 1730	Classification Pending	AP-July 8, 2020
§ 88	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 89	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 90	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 91	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 92	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 93	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 94	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 95	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 96	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 97	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 98	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 99	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020

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2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 100	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 101	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 102	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 103	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 104	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 105	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 106	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 107	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 108	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 109	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 110	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 111	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 112	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 113	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 114	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 115	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 116	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 117	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 118	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 119	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020

2020 Laws, Chapter No., Section No.	Codes §§ affected	HB No./ SB No.	Disposition of Section	Effective date
§ 120	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 121	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 122	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 123	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 124	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 125	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 126	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 127	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 128	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 129	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 130	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 131	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 132	Classification Pending	HB 1730	Amended	AP-July 8, 2020
§ 133	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 134	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 135	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 136	Classification Pending	HB 1730	Classification Pending	AP-July 8, 2020
§ 137		HB 1730	Eff date	AP-July 8, 2020
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§ 1	Classification Pending	HB 1559	Classification Pending	AP-July 8, 2020
§ 2	Classification Pending	HB 1559	Classification Pending	AP-July 8, 2020

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§ 3	Classification Pending	HB 1559	Classification Pending	AP-July 8, 2020
§ 4	Classification Pending	HB 1559	Classification Pending	AP-July 8, 2020
§ 5	99-19-75	HB 1559	Amended	AP-July 8, 2020
§ 6	43-26-1	HB 1559	Amended	AP-July 8, 2020
§ 7	43-26-3	HB 1559	Added	AP-July 8, 2020
§ 8	43-15-51	HB 1559	Amended	AP-July 8, 2020
§ 9		HB 1559	Eff date	AP-July 8, 2020

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1-1-11	ch 390 , § 4	HB 493	July 1, 2020
3-3-16	ch 427 , § 5	HB 1796	AP-July 4, 2020
7-3-7	ch 381 , § 1	SB 2131	AP-June 25, 2020
9-5-13	ch 474 , § 7	HB 1490	Jan. 1, 2023
9-7-45	ch 474 , § 5	HB 1490	Jan. 1, 2023
9-7-46	ch 474 , § 6	HB 1490	Jan. 1, 2023
9-7-63	ch 474 , § 3	HB 1490	Jan. 1, 2023
9-7-64	ch 474 , § 4	HB 1490	Jan. 1, 2023
11-21-5	ch 433 , § 14	SB 2553	July 1, 2020
15-1-83	ch 377 , § 1	SB 2430	July 1, 2020
15-1-85	ch 377 , § 2	SB 2430	July 1, 2020
19-7-25	ch 390 , § 1	HB 493	July 1, 2020
19-7-31	ch 390 , § 3	HB 493	July 1, 2020
19-25-65	ch 390 , § 2	HB 493	July 1, 2020
19-25-74	ch 411 , § 1	SB 2680	July 1, 2020
21-19-11	ch 317 , § 1	HB 444	July 1, 2020
21-23-7	ch 368 , § 1	HB 273	July 1, 2020
21-27-207	ch 473 , § 1	SB 2311	July 1, 2020
21-33-303	ch 481 , § 1	HB 23	AP-July 2, 2020
23-15-153	ch 460 , § 1	HB 824	July 1, 2020
23-15-227	ch 460 , § 2	HB 824	July 1, 2020
23-15-229	ch 460 , § 3	HB 824	July 1, 2020
23-15-235	ch 362 , § 1	HB 1523	July 1, 2020
23-15-351	ch 427 , § 3	HB 1796	AP-July 4, 2020
23-15-355	ch 427 , § 4	HB 1796	AP-July 4, 2020
23-15-625	ch 472 , § 9	HB 1521	AP-July 8, 2020
23-15-627	ch 472 , § 5	HB 1521	AP-July 8, 2020
23-15-629	ch 472 , § 10	HB 1521	AP-July 8, 2020
23-15-631	ch 472 , § 11	HB 1521	AP-July 8, 2020
23-15-635	ch 472 , § 12	HB 1521	AP-July 8, 2020
23-15-637	ch 472 , § 1	HB 1521	AP-July 8, 2020
23-15-639	ch 472 , § 13	HB 1521	AP-July 8, 2020
23-15-641	ch 472 , § 14	HB 1521	AP-July 8, 2020
23-15-645	ch 472 , § 3	HB 1521	AP-July 8, 2020

Code Section	2020 Chapter/Section No.	HB No./SB No.	Effective date
23-15-647	ch 472 , § 15	HB 1521	AP-July 8, 2020
23-15-649	ch 472 , § 4	HB 1521	AP-July 8, 2020
23-15-651	ch 472 , § 2	HB 1521	AP-July 8, 2020
23-15-699	ch 472 , § 16	HB 1521	AP-July 8, 2020
23-15-713	ch 472 , § 6	HB 1521	AP-July 8, 2020
23-15-715	ch 472 , § 7	HB 1521	AP-July 8, 2020
23-15-719	ch 472 , § 8	HB 1521	AP-July 8, 2020
23-15-721	ch 472 , § 17	HB 1521	AP-July 8, 2020
23-15-731	ch 472 , § 18	HB 1521	AP-July 8, 2020
23-15-733	ch 472 , § 19	HB 1521	AP-July 8, 2020
23-15-735	ch 472 , § 20	HB 1521	AP-July 8, 2020
25-1-77	ch 417 , § 3	HB 1566	July 1, 2020
25-3-3	ch 354 , § 1	HB 1063	AP-June 25, 2020
25-3-3	ch 435 , § 1	HB 415	AP-July 2, 2020
25-3-17	ch 435 , § 2	HB 415	AP-July 2, 2020
25-3-19	ch 435 , § 3	HB 415	AP-July 2, 2020
25-3-29	ch 435 , § 4	HB 415	AP-July 2, 2020
25-3-36	ch 435 , § 5	HB 415	AP-July 2, 2020
25-3-63	ch 302 , § 1	HB 1647	AP-Mar. 19, 2020
25-7-1	ch 382 , § 30	HB 1156	July 1, 2021
25-7-9	ch 400 , § 1	HB 1175	AP-June 29, 2020
25-7-29	ch 382 , § 34	HB 1156	July 1, 2021
25-15-303	ch 333 , § 1	HB 676	July 1, 2020
25-15-409	ch 471 , § 3	SB 3052	July 1, 2020
25-31-5	ch 474 , § 1	HB 1490	Jan. 1, 2023
25-31-10	ch 474 , § 2	HB 1490	Jan. 1, 2023
25-33-1	ch 382 , § 35	HB 1156	July 1, 2021
25-33-3	ch 382 , § 35	HB 1156	July 1, 2021
25-33-5	ch 382 , § 35	HB 1156	July 1, 2021
25-33-7	ch 382 , § 35	HB 1156	July 1, 2021
25-33-9	ch 382 , § 35	HB 1156	July 1, 2021
25-33-11	ch 382 , § 35	HB 1156	July 1, 2021
25-33-13	ch 382 , § 35	HB 1156	July 1, 2021
25-33-15	ch 382 , § 35	HB 1156	July 1, 2021

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25-33-17	ch 382 , § 35	HB 1156	July 1, 2021
25-33-19	ch 382 , § 35	HB 1156	July 1, 2021
25-33-21	ch 382 , § 35	HB 1156	July 1, 2021
25-33-23	ch 382 , § 35	HB 1156	July 1, 2021
25-33-25	ch 382 , § 35	HB 1156	July 1, 2021
25-33-27	ch 382 , § 35	HB 1156	July 1, 2021
25-33-29	ch 382 , § 35	HB 1156	July 1, 2021
25-33-31	ch 382 , § 35	HB 1156	July 1, 2021
25-33-33	ch 382 , § 35	HB 1156	July 1, 2021
27-7-15	ch 421 , § 1	HB 1748	Jan. 1, 2020
27-7-22.31	ch 453 , § 1	HB 1729	Jan. 1, 2020
27-7-22.32	ch 453 , § 4	HB 1729	Jan. 1, 2020
27-7-22.39	ch 453 , § 3	HB 1729	Jan. 1, 2020
27-7-22.41	ch 453 , § 2	HB 1729	Jan. 1, 2020
27-7-39	ch 318 , § 1	HB 597	July 1, 2020
27-7-83	ch 301 , § 1	SB 2257	AP-Mar. 11, 2020
27-10-1	ch 406 , § 87	SB 2851	July 1, 2020
27-10-3	ch 406 , § 87	SB 2851	July 1, 2020
27-10-5	ch 406 , § 87	SB 2851	July 1, 2020
27-10-7	ch 406 , § 87	SB 2851	July 1, 2020
27-10-9	ch 406 , § 87	SB 2851	July 1, 2020
27-10-11	ch 406 , § 87	SB 2851	July 1, 2020
27-10-13	ch 406 , § 87	SB 2851	July 1, 2020
27-10-15	ch 406 , § 87	SB 2851	July 1, 2020
27-10-17	ch 406 , § 87	SB 2851	July 1, 2020
27-10-19	ch 406 , § 87	SB 2851	July 1, 2020
27-10-21	ch 406 , § 87	SB 2851	July 1, 2020
27-10-23	ch 406 , § 87	SB 2851	July 1, 2020
27-10-25	ch 406 , § 87	SB 2851	July 1, 2020
27-15-107	ch 372 , § 1	HB 859	July 1, 2020
27-19-21	ch 463 , § 6	SB 2821	July 1, 2020
27-19-23	ch 463 , § 7	SB 2821	July 1, 2020
27-19-44	ch 457 , § 63	SB 2288	AP-July 8, 2020
27-19-56	ch 457 , § 52	SB 2288	AP-July 8, 2020

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27-19-56.12	ch 457 , § 54	SB 2288	AP-July 8, 2020
27-19-56.40	ch 457 , § 34	SB 2288	AP-July 8, 2020
27-19-56.62	ch 457 , § 55	SB 2288	AP-July 8, 2020
27-19-56.67	ch 457 , § 50	SB 2288	AP-July 8, 2020
27-19-56.85	ch 457 , § 56	SB 2288	AP-July 8, 2020
27-19-56.90	ch 457 , § 49	SB 2288	AP-July 8, 2020
27-19-81	ch 380 , § 2	SB 2660	July 1, 2020
27-25-519	ch 325 , § 1	HB 977	Jan. 1, 2021
27-25-717	ch 325 , § 2	HB 977	Jan. 1, 2021
27-31-55	ch 439 , § 1	SB 3048	AP-July 3, 2020
27-31-81	ch 372 , § 2	HB 859	July 1, 2020
27-33-31	ch 438 , § 1	SB 2290	July 1, 2020
27-35-157	ch 394 , § 1	HB 697	AP-June 29, 2020
27-35-163	ch 372 , § 3	HB 859	July 1, 2020
27-35-301	ch 373 , § 1	HB 863	Jan. 1, 2021
27-35-303	ch 373 , § 2	HB 863	Jan. 1, 2021
27-35-305	ch 373 , § 3	HB 863	Jan. 1, 2021
27-35-309	ch 373 , § 4	HB 863	Jan. 1, 2021
27-35-311	ch 373 , § 5	HB 863	Jan. 1, 2021
27-35-313	ch 373 , § 6	HB 863	Jan. 1, 2021
27-35-325	ch 373 , § 7	HB 863	Jan. 1, 2021
27-35-513	ch 373 , § 8	HB 863	Jan. 1, 2021
27-35-703	ch 373 , § 9	HB 863	Jan. 1, 2021
27-41-9	ch 372 , § 4	HB 859	July 1, 2020
27-51-41	ch 457 , § 64	SB 2288	AP-July 8, 2020
27-51-103	ch 338 , § 1	SB 2365	July 1, 2020
27-55-7	ch 323 , § 1	HB 866	July 1, 2020
27-55-13	ch 323 , § 9	HB 866	July 1, 2020
27-55-507	ch 323 , § 2	HB 866	July 1, 2020
27-55-523	ch 323 , § 10	HB 866	July 1, 2020
27-57-5	ch 323 , § 5	HB 866	July 1, 2020
27-57-7	ch 323 , § 3	HB 866	July 1, 2020
27-57-9	ch 323 , § 6	HB 866	July 1, 2020
27-57-11	ch 323 , § 7	HB 866	July 1, 2020

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27-57-13	ch 323 , § 13	HB 866	July 1, 2020
27-57-17	ch 323 , § 8	HB 866	July 1, 2020
27-59-7	ch 323 , § 4	HB 866	July 1, 2020
27-59-13	ch 323 , § 11	HB 866	July 1, 2020
27-59-311	ch 323 , § 12	HB 866	July 1, 2020
27-65-7	ch 425 , § 1	HB 379	July 1, 2020
27-65-9	ch 425 , § 2	HB 379	July 1, 2020
27-65-17	ch 336 , § 1	SB 2319	AP-June 23, 2020
27-65-27	ch 449 , § 1	HB 865	July 1, 2020
27-65-33	ch 372 , § 5	HB 859	July 1, 2020
27-65-53	ch 372 , § 6	HB 859	July 1, 2020
27-65-101	ch 453 , § 5	HB 1729	Jan. 1, 2020
27-65-241	ch 314 , § 47	HB 917	AP-June 18, 2020
27-67-3	ch 425 , § 3	HB 379	July 1, 2020
27-67-11	ch 425 , § 4	HB 379	July 1, 2020
27-67-19	ch 372 , § 7	HB 859	July 1, 2020
27-67-31	ch 425 , § 5	HB 379	July 1, 2020
27-67-35	ch 441 , § 1	SB 2362	July 1, 2020
27-69-5	ch 331 , § 2	HB 1486	July 1, 2020
27-69-9	ch 331 , § 1	HB 1486	July 1, 2020
27-69-41	ch 372 , § 8	HB 859	July 1, 2020
27-71-5	ch 429 , § 3	SB 2545	July 1, 2020
27-71-29	ch 428 , § 2	SB 2333	July 1, 2020
27-71-301	ch 314 , § 48	HB 917	AP-June 18, 2020
27-71-301	ch 347 , § 3	SB 2552	July 1, 2020
27-71-303	ch 314 , § 49	HB 917	AP-June 18, 2020
27-71-303	ch 347 , § 4	SB 2552	July 1, 2020
27-71-307	ch 314 , § 50	HB 917	AP-June 18, 2020
27-71-311	ch 314 , § 51	HB 917	AP-June 18, 2020
27-71-315	ch 314 , § 52	HB 917	AP-June 18, 2020
27-71-317	ch 314 , § 53	HB 917	AP-June 18, 2020
27-71-325	ch 314 , § 54	HB 917	AP-June 18, 2020
27-71-327	ch 314 , § 55	HB 917	AP-June 18, 2020
27-71-331	ch 372 , § 9	HB 859	July 1, 2020

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Code Section	2020 Chapter/Section No.	HB No./SB No.	Effective date
27-71-333	ch 314 , § 56	HB 917	AP-June 18, 2020
27-71-335	ch 314 , § 57	HB 917	AP-June 18, 2020
27-71-345	ch 314 , § 58	HB 917	AP-June 18, 2020
27-71-349	ch 314 , § 59	HB 917	AP-June 18, 2020
27-71-509	ch 314 , § 60	HB 917	AP-June 18, 2020
27-77-5	ch 448 , § 1	HB 861	July 1, 2020
27-104-301	ch 444 , § 1	SB 2583	AP-July 6, 2020
27-19-56.125	ch 457 , § 57	SB 2288	AP-July 8, 2020
27-19-56.140	ch 457 , § 35	SB 2288	AP-July 8, 2020
27-19-56.162	ch 457 , § 58	SB 2288	AP-July 8, 2020
27-19-56.186	ch 457 , § 59	SB 2288	AP-July 8, 2020
27-19-56.187	ch 457 , § 60	SB 2288	AP-July 8, 2020
27-19-56.199	ch 457 , § 61	SB 2288	AP-July 8, 2020
27-19-56.205	ch 457 , § 36	SB 2288	AP-July 8, 2020
27-19-56.306	ch 457 , § 37	SB 2288	AP-July 8, 2020
27-19-56.308	ch 457 , § 38	SB 2288	AP-July 8, 2020
27-19-56.310	ch 457 , § 39	SB 2288	AP-July 8, 2020
27-19-56.311	ch 457 , § 40	SB 2288	AP-July 8, 2020
27-19-56.331	ch 457 , § 41	SB 2288	AP-July 8, 2020
27-19-56.369	ch 457 , § 42	SB 2288	AP-July 8, 2020
27-19-56.371	ch 457 , § 47	SB 2288	AP-July 8, 2020
27-19-56.377	ch 457 , § 51	SB 2288	AP-July 8, 2020
27-19-56.400	ch 457 , § 43	SB 2288	AP-July 8, 2020
27-19-56.425	ch 457 , § 48	SB 2288	AP-July 8, 2020
27-19-56.430	ch 457 , § 44	SB 2288	AP-July 8, 2020
27-19-56.431	ch 457 , § 45	SB 2288	AP-July 8, 2020
27-19-56.450	ch 457 , § 62	SB 2288	AP-July 8, 2020
27-19-56.480	ch 457 , § 46	SB 2288	AP-July 8, 2020
29-1-3	ch 365 , § 1	HB 1439	July 1, 2020
29-1-81	ch 358 , § 1	HB 1332	AP-June 25, 2020
29-3-82	ch 365 , § 2	HB 1439	July 1, 2020
29-3-113	ch 313 , § 1	SB 2565	AP-June 11, 2020
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31-7-119	ch 349 , § 2	HB 494	July 1, 2020
31-19-25	ch 480 , § 1	HB 24	AP-July 2, 2020
31-41-47	ch 330 , § 1	HB 1176	July 1, 2020
33-13-155	ch 345 , § 1	SB 2611	July 1, 2020
33-13-157	ch 345 , § 2	SB 2611	July 1, 2020
33-13-159	ch 345 , § 3	SB 2611	July 1, 2020
33-15-307	ch 469 , § 1	HB 524	July 1, 2020
35-3-13	ch 407 , § 1	SB 2125	July 1, 2020
37-3-2	ch 348 , § 1	SB 2511	July 1, 2020
37-7-104.4	ch 311 , § 1	SB 2506	July 1, 2020
37-7-315	ch 370 , § 2	HB 669	AP-June 25, 2020
37-11-27	ch 309 , § 1	SB 2283	July 1, 2020
37-13-89	ch 315 , § 1	HB 263	AP-June 22, 2020
37-17-13	ch 340 , § 1	SB 2509	July 1, 2020
37-39-1	ch 369 , § 4	HB 667	July 1, 2020
37-61-33	ch 478 , § 1	HB 127	AP-July 2, 2020
37-106-55	ch 339 , § 1	SB 2353	July 1, 2020
37-106-75	ch 332 , § 1	HB 274	July 1, 2020
37-140-5	ch 369 , § 6	HB 667	July 1, 2020
37-153-5	ch 476 , § 1	SB 2564	July 1, 2020
37-153-7	ch 476 , § 2	SB 2564	July 1, 2020
37-153-11	ch 476 , § 3	SB 2564	July 1, 2020
37-153-13	ch 476 , § 4	SB 2564	July 1, 2020
37-153-17	ch 476 , § 8	SB 2564	July 1, 2020
37-155-9	ch 346 , § 1	SB 2881	July 1, 2020
37-159-1	ch 312 , § 1	SB 2508	July 1, 2020
37-159-5	ch 312 , § 2	SB 2508	July 1, 2020
37-159-7	ch 312 , § 3	SB 2508	July 1, 2020
37-159-9	ch 312 , § 4	SB 2508	July 1, 2020
37-159-11	ch 312 , § 5	SB 2508	July 1, 2020
37-159-11	ch 396 , § 1	HB 751	July 1, 2020
37-159-13	ch 312 , § 6	SB 2508	July 1, 2020

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37-159-19	ch 312 , § 8	SB 2508	July 1, 2020
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37-181-3	ch 386 , § 2	SB 2594	AP-June 25, 2020
37-181-5	ch 386 , § 3	SB 2594	AP-June 25, 2020
37-181-7	ch 386 , § 4	SB 2594	AP-June 25, 2020
37-181-9	ch 386 , § 5	SB 2594	AP-June 25, 2020
37-181-11	ch 386 , § 6	SB 2594	AP-June 25, 2020
37-181-13	ch 386 , § 7	SB 2594	AP-June 25, 2020
37-181-15	ch 386 , § 8	SB 2594	AP-June 25, 2020
37-181-17	ch 386 , § 9	SB 2594	AP-June 25, 2020
37-181-19	ch 386 , § 10	SB 2594	AP-June 25, 2020
37-181-21	ch 386 , § 11	SB 2594	AP-June 25, 2020
37-181-23	ch 386 , § 12	SB 2594	AP-June 25, 2020
39-5-5	ch 351 , § 1	HB 1000	AP-June 25, 2020
39-5-145	ch 492 , § 24	HB 1730	AP-July 8, 2020
41-3-15	ch 473 , § 2	SB 2311	July 1, 2020
41-3-18	ch 473 , § 3	SB 2311	July 1, 2020
41-3-65	ch 473 , § 4	SB 2311	July 1, 2020
41-4-7	ch 479 , § 8	SB 2610	AP-July 8, 2020
41-9-9	ch 473 , § 5	SB 2311	July 1, 2020
41-19-33	ch 479 , § 9	SB 2610	AP-July 8, 2020
41-26-23	ch 473 , § 6	SB 2311	July 1, 2020
41-26-101	ch 430 , § 1	SB 2674	July 1, 2020
41-26-101	ch 473 , § 7	SB 2311	July 1, 2020
41-29-105	ch 413 , § 14	SB 2725	AP-June 29, 2020
41-29-113	ch 413 , § 13	SB 2725	AP-June 29, 2020
41-29-136	ch 413 , § 15	SB 2725	AP-June 29, 2020
41-29-137	ch 363 , § 2	HB 1520	AP-June 25, 2020
41-58-3	ch 473 , § 8	SB 2311	July 1, 2020
41-59-11	ch 473 , § 9	SB 2311	July 1, 2020
41-59-17	ch 473 , § 10	SB 2311	July 1, 2020
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41-59-33	ch 473 , § 12	SB 2311	July 1, 2020

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41-59-79	ch 473 , § 15	SB 2311	July 1, 2020
41-67-12	ch 473 , § 16	SB 2311	July 1, 2020
41-67-25	ch 473 , § 17	SB 2311	July 1, 2020
41-67-37	ch 473 , § 18	SB 2311	July 1, 2020
41-67-39	ch 473 , § 19	SB 2311	July 1, 2020
41-71-5	ch 473 , § 20	SB 2311	July 1, 2020
41-71-7	ch 473 , § 21	SB 2311	July 1, 2020
41-75-7	ch 473 , § 22	SB 2311	July 1, 2020
41-75-9	ch 473 , § 23	SB 2311	July 1, 2020
41-77-9	ch 473 , § 24	SB 2311	July 1, 2020
41-77-25	ch 473 , § 25	SB 2311	July 1, 2020
41-85-7	ch 473 , § 26	SB 2311	July 1, 2020
41-99-1	ch 416 , § 1	SB 2626	July 1, 2020
41-99-3	ch 416 , § 2	SB 2626	July 1, 2020
41-99-5	ch 416 , § 3	SB 2626	July 1, 2020
41-99-7	ch 416 , § 4	SB 2626	July 1, 2020
41-113-11	ch 478 , § 2	HB 127	AP-July 2, 2020
41-121-1	ch 393 , § 1	HB 686	July 1, 2020
41-121-3	ch 393 , § 2	HB 686	July 1, 2020
41-121-5	ch 393 , § 3	HB 686	July 1, 2020
41-121-7	ch 393 , § 4	HB 686	July 1, 2020
41-121-9	ch 393 , § 5	HB 686	July 1, 2020
41-121-11	ch 393 , § 6	HB 686	July 1, 2020
41-125-7	ch 473 , § 27	SB 2311	July 1, 2020
41-131-1	ch 384 , § 1	SB 2830	AP-June 25, 2020
43-5-1	ch 369 , § 1	HB 667	July 1, 2020
43-5-8	ch 369 , § 2	HB 667	July 1, 2020
43-5-13	ch 369 , § 3	HB 667	July 1, 2020
43-11-7	ch 473 , § 28	SB 2311	July 1, 2020
43-11-8	ch 473 , § 29	SB 2311	July 1, 2020
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43-15-201	ch 389 , § 1	HB 96	July 1, 2020
43-15-207	ch 389 , § 2	HB 96	July 1, 2020
43-16-25	ch 473 , § 32	SB 2311	July 1, 2020
43-19-33	ch 466 , § 1	SB 2877	July 1, 2020
43-20-8	ch 473 , § 33	SB 2311	July 1, 2020
43-20-11	ch 473 , § 34	SB 2311	July 1, 2020
43-20-13	ch 473 , § 35	SB 2311	July 1, 2020
43-20-59	ch 473 , § 36	SB 2311	July 1, 2020
43-21-301	ch 329 , § 1	HB 1131	July 1, 2020
43-21-303	ch 329 , § 2	HB 1131	July 1, 2020
43-21-505	ch 436 , § 1	HB 1286	July 1, 2020
43-21-609	ch 327 , § 1	HB 1127	July 1, 2020
43-21-609	ch 327 , § 2	HB 1127	July 1, 2020
43-26-1	ch 493 , § 6	HB 1559	AP-July 8, 2020
43-26-3	ch 493 , § 7	HB 1559	AP-July 8, 2020
45-1-12	ch 391 , § 1	HB 264	July 1, 2020
45-6-3	ch 359 , § 1	HB 1434	July 1, 2020
45-6-11	ch 361 , § 1	HB 1500	July 1, 2020
45-9-101	ch 314 , § 61	HB 917	AP-June 18, 2020
45-9-101	ch 408 , § 1	SB 2225	July 1, 2020
45-9-171	ch 398 , § 1	HB 1018	AP-June 29, 2020
45-11-7	ch 431 , § 1	HB 1253	July 1, 2020
45-14-31	ch 473 , § 37	SB 2311	July 1, 2020
45-23-23	ch 473 , § 38	SB 2311	July 1, 2020
45-23-41	ch 473 , § 39	SB 2311	July 1, 2020
45-23-45	ch 473 , § 40	SB 2311	July 1, 2020
45-23-53	ch 473 , § 41	SB 2311	July 1, 2020
45-33-25	ch 477 , § 10	HB 1371	AP-July 8, 2020
45-33-27	ch 477 , § 11	HB 1371	AP-July 8, 2020
45-33-29	ch 477 , § 12	HB 1371	AP-July 8, 2020
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45-35-3	ch 477 , § 4	HB 1371	AP-July 8, 2020
45-45-27	ch 447 , § 3	HB 773	July 1, 2020
47-5-6	ch 414 , § 1	HB 851	AP-June 29, 2020
47-5-24	ch 465 , § 1	SB 2696	AP-July 8, 2020
47-5-26	ch 485 , § 7	HB 685	July 1, 2020
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47-5-471	ch 485 , § 9	HB 685	July 1, 2020
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47-5-901	ch 485 , § 1	HB 685	July 1, 2020
47-5-903	ch 456 , § 2	SB 2279	July 1, 2020
47-5-903	ch 485 , § 2	HB 685	July 1, 2020
47-5-905	ch 456 , § 3	SB 2279	July 1, 2020
47-5-905	ch 485 , § 3	HB 685	July 1, 2020
47-5-907	ch 456 , § 4	SB 2279	July 1, 2020
47-5-907	ch 485 , § 4	HB 685	July 1, 2020
47-5-909	ch 456 , § 5	SB 2279	July 1, 2020
47-5-909	ch 485 , § 5	HB 685	July 1, 2020
47-5-911	ch 456 , § 6	SB 2279	July 1, 2020
47-5-911	ch 485 , § 6	HB 685	July 1, 2020
47-5-931	ch 464 , § 1	SB 2684	July 1, 2020
47-5-933	ch 464 , § 2	SB 2684	July 1, 2020
47-7-3	ch 467 , § 1	SB 2469	July 1, 2020
49-1-29	ch 307 , § 2	SB 2722	July 1, 2020
49-7-20	ch 364 , § 2	HB 1577	July 1, 2020
49-7-31	ch 308 , § 1	SB 2723	July 1, 2020
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49-7-31.3	ch 308 , § 3	SB 2723	July 1, 2020
49-7-31.4	ch 308 , § 4	SB 2723	July 1, 2020
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49-7-58.2	ch 307 , § 4	SB 2722	July 1, 2020
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49-15-78	ch 410 , § 1	SB 2720	AP-June 29, 2020
49-15-301	ch 418 , § 2	HB 827	July 1, 2020
49-15-303	ch 418 , § 3	HB 827	July 1, 2020
49-15-304	ch 418 , § 4	HB 827	July 1, 2020
49-15-305	ch 418 , § 5	HB 827	July 1, 2020
49-15-307	ch 418 , § 6	HB 827	July 1, 2020
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49-17-16	ch 352 , § 2	HB 1028	July 1, 2020
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49-17-32	ch 352 , § 4	HB 1028	July 1, 2020
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49-19-115	ch 392 , § 1	HB 684	AP-June 29, 2020
51-5-3	ch 367 , § 1	HB 117	July 1, 2020
57-1-14	ch 482 , § 7	SB 2563	July 1, 2020
57-1-18	ch 492 , § 12	HB 1730	AP-July 8, 2020
57-1-64.1	ch 490 , § 5	HB 1791	AP-July 2, 2020
57-1-221	ch 492 , § 14	HB 1730	AP-July 8, 2020
57-1-701	ch 492 , § 5	HB 1730	AP-July 8, 2020
57-26-1	ch 440 , § 1	SB 2847	July 1, 2020
57-26-5	ch 440 , § 2	SB 2847	July 1, 2020
57-46-1	ch 492 , § 30	HB 1730	AP-July 8, 2020
57-61-25	ch 492 , § 7	HB 1730	AP-July 8, 2020
57-61-36	ch 492 , § 8	HB 1730	AP-July 8, 2020
57-75-15	ch 492 , § 9	HB 1730	AP-July 8, 2020
57-75-15	ch 492 , § 9	HB 1730	AP-July 8, 2020
57-87-5	ch 453 , § 6	HB 1729	Jan. 1, 2020
57-87-7	ch 453 , § 7	HB 1729	Jan. 1, 2020
59-5-37	ch 404 , § 1	SB 2273	July 1, 2020
63-1-9	ch 471 , § 1	SB 3052	July 1, 2020
63-1-13	ch 477 , § 1	HB 1371	AP-July 8, 2020
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63-1-47	ch 477 , § 7	HB 1371	AP-July 8, 2020
63-1-208	ch 477 , § 8	HB 1371	AP-July 8, 2020
63-1-211	ch 477 , § 9	HB 1371	AP-July 8, 2020
63-5-27	ch 378 , § 2	SB 2467	July 1, 2020
63-5-29	ch 378 , § 3	SB 2467	July 1, 2020
63-5-31	ch 378 , § 4	SB 2467	July 1, 2020
63-5-33	ch 378 , § 1	SB 2467	July 1, 2020
63-5-49	ch 380 , § 1	SB 2660	July 1, 2020
63-5-52	ch 385 , § 1	SB 2716	July 1, 2020
63-17-74	ch 462 , § 2	HB 359	AP-July 2, 2020
63-21-15	ch 324 , § 1	HB 869	Jan. 1, 2021
63-21-15	ch 335 , § 1	SB 2099	AP-June 23, 2020
65-4-5	ch 451 , § 1	HB 1383	July 1, 2020
65-4-15	ch 451 , § 2	HB 1383	July 1, 2020
65-4-25	ch 492 , § 10	HB 1730	AP-July 8, 2020
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67-1-3	ch 423 , § 1	HB 1087	July 1, 2020
67-1-5	ch 314 , § 37	HB 917	AP-June 18, 2020
67-1-5	ch 429 , § 6	SB 2545	July 1, 2020
67-1-5	ch 458 , § 1	SB 2253	July 1, 2020
67-1-7	ch 423 , § 2	HB 1087	July 1, 2020
67-1-7	ch 458 , § 2	SB 2253	July 1, 2020
67-1-9	ch 423 , § 3	HB 1087	July 1, 2020
67-1-11	ch 423 , § 4	HB 1087	July 1, 2020
67-1-14	ch 423 , § 5	HB 1087	July 1, 2020
67-1-16	ch 458 , § 4	SB 2253	July 1, 2020
67-1-18	ch 314 , § 38	HB 917	AP-June 18, 2020
67-1-18	ch 322 , § 1	HB 858	July 1, 2020
67-1-37	ch 428 , § 1	SB 2333	July 1, 2020
67-1-37	ch 458 , § 3	SB 2253	July 1, 2020
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67-1-45	ch 429 , § 8	SB 2545	July 1, 2020
67-1-51	ch 314 , § 39	HB 917	AP-June 18, 2020
67-1-51	ch 422 , § 4	HB 1088	Jan. 1, 2021
67-1-51	ch 423 , § 6	HB 1087	July 1, 2020
67-1-51	ch 429 , § 1	SB 2545	July 1, 2020
67-1-51	ch 458 , § 6	SB 2253	July 1, 2020
67-1-52	ch 429 , § 2	SB 2545	July 1, 2020
67-1-72	ch 314 , § 40	HB 917	AP-June 18, 2020
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67-1-81	ch 470 , § 1	SB 2596	AP-July 8, 2020
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67-3-3	ch 314 , § 2	HB 917	AP-June 18, 2020
67-3-5	ch 314 , § 3	HB 917	AP-June 18, 2020
67-3-7	ch 314 , § 4	HB 917	AP-June 18, 2020
67-3-7	ch 423 , § 7	HB 1087	July 1, 2020
67-3-9	ch 314 , § 5	HB 917	AP-June 18, 2020
67-3-9	ch 431 , § 1	HB 654	AP-July 1, 2020
67-3-11	ch 314 , § 6	HB 917	AP-June 18, 2020
67-3-11	ch 423 , § 8	HB 1087	July 1, 2020
67-3-13	ch 314 , § 7	HB 917	AP-June 18, 2020
67-3-13	ch 423 , § 9	HB 1087	July 1, 2020
67-3-15	ch 314 , § 8	HB 917	AP-June 18, 2020
67-3-17	ch 314 , § 9	HB 917	AP-June 18, 2020
67-3-19	ch 314 , § 10	HB 917	AP-June 18, 2020
67-3-22	ch 314 , § 11	HB 917	AP-June 18, 2020
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67-3-25	ch 314 , § 12	HB 917	AP-June 18, 2020
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67-3-48	ch 314 , § 19	HB 917	AP-June 18, 2020
67-3-48.1	ch 314 , § 20	HB 917	AP-June 18, 2020
67-3-49	ch 314 , § 21	HB 917	AP-June 18, 2020
67-3-51	ch 314 , § 22	HB 917	AP-June 18, 2020
67-3-52	ch 314 , § 23	HB 917	AP-June 18, 2020
67-3-53	ch 314 , § 24	HB 917	AP-June 18, 2020
67-3-54	ch 314 , § 25	HB 917	AP-June 18, 2020
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67-3-57	ch 314 , § 27	HB 917	AP-June 18, 2020
67-3-59	ch 314 , § 28	HB 917	AP-June 18, 2020
67-3-61	ch 314 , § 29	HB 917	AP-June 18, 2020
67-3-63	ch 314 , § 30	HB 917	AP-June 18, 2020
67-3-65	ch 314 , § 31	HB 917	AP-June 18, 2020
67-3-67	ch 314 , § 32	HB 917	AP-June 18, 2020
67-3-69	ch 314 , § 33	HB 917	AP-June 18, 2020
67-3-69	ch 347 , § 2	SB 2552	July 1, 2020
67-3-70	ch 314 , § 34	HB 917	AP-June 18, 2020
67-3-73	ch 314 , § 35	HB 917	AP-June 18, 2020
67-3-74	ch 314 , § 36	HB 917	AP-June 18, 2020
67-5-11	ch 429 , § 5	SB 2545	July 1, 2020
67-7-3	ch 314 , § 41	HB 917	AP-June 18, 2020
67-7-5	ch 314 , § 42	HB 917	AP-June 18, 2020
67-7-7	ch 314 , § 43	HB 917	AP-June 18, 2020
67-7-9	ch 314 , § 44	HB 917	AP-June 18, 2020
67-7-11	ch 314 , § 45	HB 917	AP-June 18, 2020
67-9-1	ch 314 , § 46	HB 917	AP-June 18, 2020
69-1-119	ch 417 , § 1	HB 1566	July 1, 2020
69-2-13	ch 337 , § 1	SB 2328	July 1, 2020
69-2-19	ch 337 , § 2	SB 2328	July 1, 2020
69-5-1	ch 417 , § 4	HB 1566	July 1, 2020
69-5-3	ch 417 , § 5	HB 1566	July 1, 2020
69-5-5	ch 417 , § 6	HB 1566	July 1, 2020

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69-5-8	ch 417 , § 8	HB 1566	July 1, 2020
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69-5-13	ch 417 , § 10	HB 1566	July 1, 2020
69-5-15	ch 417 , § 11	HB 1566	July 1, 2020
69-5-27	ch 417 , § 12	HB 1566	July 1, 2020
69-5-29	ch 417 , § 13	HB 1566	July 1, 2020
69-5-31	ch 417 , § 14	HB 1566	July 1, 2020
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69-25-51	ch 413 , § 12	SB 2725	AP-June 29, 2020
69-29-1	ch 417 , § 2	HB 1566	July 1, 2020
69-37-17	ch 320 , § 1	HB 687	July 1, 2020
71-5-353	ch 445 , § 2	SB 3051	July 1, 2020
71-5-353	ch 476 , § 5	SB 2564	July 1, 2020
71-5-355	ch 445 , § 1	SB 3051	July 1, 2020
71-5-453	ch 476 , § 6	SB 2564	July 1, 2020
73-5-1	ch 409 , § 1	SB 2307	July 1, 2020
73-5-3	ch 409 , § 2	SB 2307	July 1, 2020
73-5-5	ch 409 , § 3	SB 2307	July 1, 2020
73-5-7	ch 409 , § 4	SB 2307	July 1, 2020
73-5-8	ch 409 , § 5	SB 2307	July 1, 2020
73-5-9	ch 409 , § 6	SB 2307	July 1, 2020
73-5-11	ch 409 , § 7	SB 2307	July 1, 2020
73-5-12	ch 409 , § 8	SB 2307	July 1, 2020
73-5-15	ch 409 , § 9	SB 2307	July 1, 2020
73-5-17	ch 409 , § 10	SB 2307	July 1, 2020
73-5-19	ch 409 , § 11	SB 2307	July 1, 2020
73-5-21	ch 409 , § 12	SB 2307	July 1, 2020
73-5-23	ch 409 , § 13	SB 2307	July 1, 2020
73-5-25	ch 409 , § 14	SB 2307	July 1, 2020
73-5-27	ch 409 , § 15	SB 2307	July 1, 2020
73-5-29	ch 409 , § 16	SB 2307	July 1, 2020
73-5-31	ch 409 , § 17	SB 2307	July 1, 2020
73-5-33	ch 409 , § 18	SB 2307	July 1, 2020

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73-5-35	ch 409 , § 19	SB 2307	July 1, 2020
73-5-37	ch 409 , § 20	SB 2307	July 1, 2020
73-5-39	ch 409 , § 21	SB 2307	July 1, 2020
73-5-41	ch 409 , § 22	SB 2307	July 1, 2020
73-5-43	ch 409 , § 23	SB 2307	July 1, 2020
73-5-45	ch 409 , § 24	SB 2307	July 1, 2020
73-6-19	ch 393 , § 7	HB 686	July 1, 2020
73-7-71	ch 473 , § 42	SB 2311	July 1, 2020
73-9-61	ch 393 , § 8	HB 686	July 1, 2020
73-10-9	ch 473 , § 43	SB 2311	July 1, 2020
73-10-11	ch 473 , § 44	SB 2311	July 1, 2020
73-10-21	ch 473 , § 45	SB 2311	July 1, 2020
73-14-17	ch 473 , § 46	SB 2311	July 1, 2020
73-14-19	ch 473 , § 47	SB 2311	July 1, 2020
73-14-27	ch 473 , § 48	SB 2311	July 1, 2020
73-14-31	ch 473 , § 49	SB 2311	July 1, 2020
73-15-11	ch 374 , § 1	HB 984	July 1, 2020
73-15-29	ch 393 , § 9	HB 686	July 1, 2020
73-19-23	ch 393 , § 10	HB 686	July 1, 2020
73-21-69	ch 419 , § 34	HB 688	July 1, 2020
73-21-71	ch 419 , § 1	HB 688	July 1, 2020
73-21-73	ch 419 , § 2	HB 688	July 1, 2020
73-21-75	ch 419 , § 3	HB 688	July 1, 2020
73-21-77	ch 419 , § 4	HB 688	July 1, 2020
73-21-79	ch 419 , § 5	HB 688	July 1, 2020
73-21-81	ch 419 , § 6	HB 688	July 1, 2020
73-21-83	ch 419 , § 7	HB 688	July 1, 2020
73-21-85	ch 419 , § 8	HB 688	July 1, 2020
73-21-87	ch 419 , § 9	HB 688	July 1, 2020
73-21-89	ch 419 , § 10	HB 688	July 1, 2020
73-21-91	ch 419 , § 11	HB 688	July 1, 2020
73-21-93	ch 419 , § 12	HB 688	July 1, 2020
73-21-95	ch 419 , § 13	HB 688	July 1, 2020
73-21-97	ch 393 , § 11	HB 686	July 1, 2020

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73-21-99	ch 419 , § 15	HB 688	July 1, 2020
73-21-101	ch 419 , § 16	HB 688	July 1, 2020
73-21-103	ch 419 , § 17	HB 688	July 1, 2020
73-21-105	ch 419 , § 18	HB 688	July 1, 2020
73-21-106	ch 419 , § 19	HB 688	July 1, 2020
73-21-107	ch 419 , § 20	HB 688	July 1, 2020
73-21-108	ch 419 , § 21	HB 688	July 1, 2020
73-21-109	ch 419 , § 22	HB 688	July 1, 2020
73-21-111	ch 419 , § 23	HB 688	July 1, 2020
73-21-113	ch 419 , § 24	HB 688	July 1, 2020
73-21-115	ch 419 , § 25	HB 688	July 1, 2020
73-21-117	ch 419 , § 26	HB 688	July 1, 2020
73-21-119	ch 419 , § 27	HB 688	July 1, 2020
73-21-121	ch 419 , § 28	HB 688	July 1, 2020
73-21-123	ch 419 , § 29	HB 688	July 1, 2020
73-21-125	ch 419 , § 30	HB 688	July 1, 2020
73-21-126	ch 419 , § 31	HB 688	July 1, 2020
73-21-127	ch 419 , § 32	HB 688	July 1, 2020
73-21-151	ch 395 , § 1	HB 708	Jan. 1, 2021
73-21-153	ch 395 , § 2	HB 708	Jan. 1, 2021
73-21-155	ch 395 , § 3	HB 708	Jan. 1, 2021
73-21-156	ch 395 , § 4	HB 708	Jan. 1, 2021
73-21-157	ch 395 , § 5	HB 708	Jan. 1, 2021
73-21-159	ch 395 , § 6	HB 708	Jan. 1, 2021
73-21-161	ch 395 , § 7	HB 708	Jan. 1, 2021
73-21-163	ch 395 , § 8	HB 708	Jan. 1, 2021
73-24-29	ch 473 , § 50	SB 2311	July 1, 2020
73-26-5	ch 393 , § 12	HB 686	July 1, 2020
73-27-13	ch 393 , § 13	HB 686	July 1, 2020
73-30-9	ch 371 , § 1	HB 777	AP-June 25, 2020
73-30-29	ch 371 , § 2	HB 777	AP-June 25, 2020
73-35-7	ch 355 , § 1	HB 1212	July 1, 2020
73-38-31	ch 473 , § 51	SB 2311	July 1, 2020

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73-47-9	ch 399 , § 2	HB 1104	July 1, 2020
73-50-1	ch 412 , § 1	SB 2117	July 1, 2020
73-55-13	ch 473 , § 52	SB 2311	July 1, 2020
73-57-19	ch 473 , § 53	SB 2311	July 1, 2020
73-57-21	ch 473 , § 54	SB 2311	July 1, 2020
73-57-27	ch 473 , § 55	SB 2311	July 1, 2020
73-57-29	ch 473 , § 56	SB 2311	July 1, 2020
73-61-1	ch 473 , § 57	SB 2311	July 1, 2020
73-61-3	ch 473 , § 58	SB 2311	July 1, 2020
73-65-5	ch 473 , § 59	SB 2311	July 1, 2020
73-65-9	ch 473 , § 60	SB 2311	July 1, 2020
73-65-11	ch 473 , § 61	SB 2311	July 1, 2020
75-23-37	ch 331 , § 3	HB 1486	July 1, 2020
75-29-805	ch 473 , § 62	SB 2311	July 1, 2020
75-29-951	ch 383 , § 1	HB 326	July 1, 2020
75-31-65	ch 473 , § 63	SB 2311	July 1, 2020
75-55-5	ch 321 , § 1	HB 689	July 1, 2020
75-55-37	ch 321 , § 2	HB 689	July 1, 2020
75-71-305	ch 360 , § 1	HB 1440	July 1, 2020
75-71-310	ch 360 , § 2	HB 1440	July 1, 2020
75-74-11	ch 473 , § 64	SB 2311	July 1, 2020
77-1-1	ch 387 , § 1	SB 2386	July 1, 2020
77-1-3	ch 387 , § 2	SB 2386	July 1, 2020
77-1-5	ch 387 , § 3	SB 2386	July 1, 2020
77-1-6	ch 387 , § 4	SB 2386	July 1, 2020
77-1-11	ch 387 , § 5	SB 2386	July 1, 2020
77-1-15	ch 387 , § 6	SB 2386	July 1, 2020
77-1-17	ch 387 , § 23	SB 2386	July 1, 2020
77-1-19	ch 387 , § 24	SB 2386	July 1, 2020
77-1-21	ch 387 , § 25	SB 2386	July 1, 2020
77-1-25	ch 387 , § 7	SB 2386	July 1, 2020
77-1-27	ch 387 , § 8	SB 2386	July 1, 2020

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77-1-31	ch 387 , § 10	SB 2386	July 1, 2020
77-1-33	ch 387 , § 11	SB 2386	July 1, 2020
77-1-35	ch 387 , § 12	SB 2386	July 1, 2020
77-1-37	ch 387 , § 13	SB 2386	July 1, 2020
77-1-39	ch 387 , § 14	SB 2386	July 1, 2020
77-1-41	ch 387 , § 15	SB 2386	July 1, 2020
77-1-43	ch 387 , § 16	SB 2386	July 1, 2020
77-1-47	ch 387 , § 17	SB 2386	July 1, 2020
77-1-49	ch 387 , § 18	SB 2386	July 1, 2020
77-1-51	ch 387 , § 19	SB 2386	July 1, 2020
77-1-55	ch 387 , § 20	SB 2386	July 1, 2020
77-3-42	ch 387 , § 22	SB 2386	July 1, 2020
77-3-93	ch 387 , § 21	SB 2386	July 1, 2020
77-3-721	ch 455 , § 1	SB 2194	July 1, 2020
77-13-9	ch 357 , § 1	HB 1334	Jan. 1, 2021
79-29-1021	ch 341 , § 1	SB 2510	AP-June 23, 2020
81-18-1	ch 310 , § 1	SB 2427	July 1, 2020
81-18-3	ch 310 , § 2	SB 2427	July 1, 2020
81-18-5	ch 310 , § 3	SB 2427	July 1, 2020
81-18-7	ch 310 , § 4	SB 2427	July 1, 2020
81-18-8	ch 310 , § 5	SB 2427	July 1, 2020
81-18-9	ch 310 , § 6	SB 2427	July 1, 2020
81-18-11	ch 310 , § 7	SB 2427	July 1, 2020
81-18-13	ch 310 , § 8	SB 2427	July 1, 2020
81-18-14	ch 310 , § 9	SB 2427	July 1, 2020
81-18-15	ch 310 , § 10	SB 2427	July 1, 2020
81-18-17	ch 310 , § 11	SB 2427	July 1, 2020
81-18-19	ch 310 , § 12	SB 2427	July 1, 2020
81-18-21	ch 310 , § 13	SB 2427	July 1, 2020
81-18-23	ch 310 , § 14	SB 2427	July 1, 2020
81-18-25	ch 310 , § 15	SB 2427	July 1, 2020
81-18-27	ch 310 , § 16	SB 2427	July 1, 2020
81-18-28	ch 310 , § 17	SB 2427	July 1, 2020

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81-18-31	ch 310 , § 19	SB 2427	July 1, 2020
81-18-33	ch 310 , § 20	SB 2427	July 1, 2020
81-18-35	ch 310 , § 21	SB 2427	July 1, 2020
81-18-36	ch 310 , § 22	SB 2427	July 1, 2020
81-18-37	ch 310 , § 23	SB 2427	July 1, 2020
81-18-39	ch 310 , § 24	SB 2427	July 1, 2020
81-18-40	ch 310 , § 25	SB 2427	July 1, 2020
81-18-41	ch 310 , § 26	SB 2427	July 1, 2020
81-18-43	ch 310 , § 27	SB 2427	July 1, 2020
81-18-45	ch 310 , § 28	SB 2427	July 1, 2020
81-18-47	ch 310 , § 29	SB 2427	July 1, 2020
81-18-49	ch 310 , § 30	SB 2427	July 1, 2020
81-18-51	ch 310 , § 35	SB 2427	July 1, 2020
81-18-53	ch 310 , § 31	SB 2427	July 1, 2020
81-18-55	ch 310 , § 32	SB 2427	July 1, 2020
81-18-61	ch 310 , § 33	SB 2427	July 1, 2020
81-18-63	ch 310 , § 34	SB 2427	July 1, 2020
83-2-3	ch 447 , § 2	HB 773	July 1, 2020
83-2-7	ch 447 , § 1	HB 773	July 1, 2020
83-9-3	ch 420 , § 2	HB 95	July 1, 2020
83-11-101	ch 305 , § 1	SB 2230	AP-June 10, 2020
83-11-551	ch 306 , § 1	SB 2301	July 1, 2020
83-19-151	ch 316 , § 1	HB 408	July 1, 2020
83-19-157	ch 316 , § 2	HB 408	July 1, 2020
83-23-203	ch 304 , § 1	SB 2227	July 1, 2020
83-23-205	ch 304 , § 2	SB 2227	July 1, 2020
83-23-209	ch 304 , § 3	SB 2227	July 1, 2020
83-23-211	ch 304 , § 4	SB 2227	July 1, 2020
83-23-215	ch 304 , § 5	SB 2227	July 1, 2020
83-23-217	ch 304 , § 6	SB 2227	July 1, 2020
83-23-221	ch 304 , § 7	SB 2227	July 1, 2020
83-23-223	ch 304 , § 8	SB 2227	July 1, 2020
83-23-225	ch 304 , § 9	SB 2227	July 1, 2020

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83-23-239	ch 304 , § 11	SB 2227	July 1, 2020
83-75-1	ch 342 , § 1	SB 2709	July 1, 2020
83-75-3	ch 342 , § 2	SB 2709	July 1, 2020
83-75-5	ch 342 , § 3	SB 2709	July 1, 2020
85-3-1	ch 326 , § 1	HB 1071	July 1, 2020
85-7-121	ch 353 , § 1	HB 1138	July 1, 2020
85-7-123	ch 353 , § 2	HB 1138	July 1, 2020
85-7-125	ch 353 , § 3	HB 1138	July 1, 2020
85-7-127	ch 353 , § 4	HB 1138	July 1, 2020
85-7-251	ch 462 , § 1	HB 359	AP-July 2, 2020
89-3-1	ch 382 , § 31	HB 1156	July 1, 2021
89-3-3	ch 382 , § 36	HB 1156	July 1, 2021
89-3-5	ch 382 , § 37	HB 1156	July 1, 2021
89-3-7	ch 382 , § 32	HB 1156	July 1, 2021
89-3-9	ch 382 , § 38	HB 1156	July 1, 2021
89-3-11	ch 382 , § 39	HB 1156	July 1, 2021
89-3-13	ch 382 , § 40	HB 1156	July 1, 2021
89-3-15	ch 382 , § 41	HB 1156	July 1, 2021
89-5-8	ch 382 , § 33	HB 1156	July 1, 2021
89-21-1	ch 406 , § 88	SB 2851	July 1, 2020
89-21-3	ch 406 , § 88	SB 2851	July 1, 2020
89-21-5	ch 406 , § 88	SB 2851	July 1, 2020
89-21-7	ch 406 , § 88	SB 2851	July 1, 2020
89-21-9	ch 406 , § 88	SB 2851	July 1, 2020
89-21-11	ch 406 , § 88	SB 2851	July 1, 2020
89-21-13	ch 406 , § 88	SB 2851	July 1, 2020
89-21-15	ch 406 , § 88	SB 2851	July 1, 2020
89-21-17	ch 406 , § 88	SB 2851	July 1, 2020
89-22-1	ch 406 , § 67	SB 2851	July 1, 2020
89-22-3	ch 406 , § 68	SB 2851	July 1, 2020
89-22-5	ch 406 , § 69	SB 2851	July 1, 2020
89-22-7	ch 406 , § 70	SB 2851	July 1, 2020
89-22-9	ch 406 , § 71	SB 2851	July 1, 2020

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89-22-13	ch 406 , § 73	SB 2851	July 1, 2020
89-22-15	ch 406 , § 74	SB 2851	July 1, 2020
89-22-17	ch 406 , § 75	SB 2851	July 1, 2020
89-22-19	ch 406 , § 76	SB 2851	July 1, 2020
89-22-21	ch 406 , § 77	SB 2851	July 1, 2020
89-22-23	ch 406 , § 78	SB 2851	July 1, 2020
89-22-27	ch 406 , § 80	SB 2851	July 1, 2020
89-22-29	ch 406 , § 81	SB 2851	July 1, 2020
89-22-29	ch 406 , § 84	SB 2851	July 1, 2020
89-22-31	ch 406 , § 82	SB 2851	July 1, 2020
89-22-31	ch 406 , § 85	SB 2851	July 1, 2020
89-22-33	ch 406 , § 83	SB 2851	July 1, 2020
89-22-35	ch 406 , § 79	SB 2851	July 1, 2020
91-1-1	ch 343 , § 1	SB 2850	July 1, 2020
91-5-35	ch 343 , § 2	SB 2850	July 1, 2020
91-7-1	ch 343 , § 3	SB 2850	July 1, 2020
91-7-33	ch 343 , § 4	SB 2850	July 1, 2020
91-7-259	ch 406 , § 90	SB 2851	July 1, 2020
91-7-322	ch 343 , § 7	SB 2850	July 1, 2020
91-7-501	ch 406 , § 47	SB 2851	July 1, 2020
91-7-503	ch 406 , § 48	SB 2851	July 1, 2020
91-7-505	ch 406 , § 49	SB 2851	July 1, 2020
91-7-507	ch 406 , § 50	SB 2851	July 1, 2020
91-7-509	ch 406 , § 51	SB 2851	July 1, 2020
91-7-511	ch 406 , § 52	SB 2851	July 1, 2020
91-7-513	ch 406 , § 53	SB 2851	July 1, 2020
91-7-515	ch 406 , § 54	SB 2851	July 1, 2020
91-7-517	ch 406 , § 55	SB 2851	July 1, 2020
91-7-519	ch 406 , § 56	SB 2851	July 1, 2020
91-7-521	ch 406 , § 57	SB 2851	July 1, 2020
91-7-523	ch 406 , § 58	SB 2851	July 1, 2020
91-8-105	ch 406 , § 86	SB 2851	July 1, 2020
91-8-501	ch 406 , § 59	SB 2851	July 1, 2020

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91-8-503	ch 406 , § 61	SB 2851	July 1, 2020
91-8-504	ch 406 , § 62	SB 2851	July 1, 2020
91-8-505	ch 406 , § 63	SB 2851	July 1, 2020
91-8-506	ch 406 , § 64	SB 2851	July 1, 2020
91-8-507	ch 406 , § 65	SB 2851	July 1, 2020
91-8-508	ch 406 , § 66	SB 2851	July 1, 2020
91-9-501	ch 406 , § 89	SB 2851	July 1, 2020
91-9-503	ch 406 , § 89	SB 2851	July 1, 2020
91-9-505	ch 406 , § 89	SB 2851	July 1, 2020
91-9-507	ch 406 , § 89	SB 2851	July 1, 2020
91-9-509	ch 406 , § 89	SB 2851	July 1, 2020
91-9-511	ch 406 , § 89	SB 2851	July 1, 2020
91-17-412	ch 343 , § 5	SB 2850	July 1, 2020
91-17-501	ch 343 , § 6	SB 2850	July 1, 2020
91-25-1	ch 406 , § 33	SB 2851	July 1, 2020
91-25-3	ch 406 , § 34	SB 2851	July 1, 2020
91-25-5	ch 406 , § 35	SB 2851	July 1, 2020
91-25-7	ch 406 , § 36	SB 2851	July 1, 2020
91-25-9	ch 406 , § 37	SB 2851	July 1, 2020
91-25-11	ch 406 , § 38	SB 2851	July 1, 2020
91-25-13	ch 406 , § 39	SB 2851	July 1, 2020
91-25-15	ch 406 , § 40	SB 2851	July 1, 2020
91-25-17	ch 406 , § 41	SB 2851	July 1, 2020
91-25-19	ch 406 , § 42	SB 2851	July 1, 2020
91-25-21	ch 406 , § 43	SB 2851	July 1, 2020
91-25-23	ch 406 , § 44	SB 2851	July 1, 2020
91-25-25	ch 406 , § 45	SB 2851	July 1, 2020
91-25-27	ch 406 , § 46	SB 2851	July 1, 2020
91-27-1	ch 406 , § 1	SB 2851	July 1, 2020
91-27-3	ch 406 , § 2	SB 2851	July 1, 2020
91-27-5	ch 406 , § 3	SB 2851	July 1, 2020
91-27-7	ch 406 , § 4	SB 2851	July 1, 2020
91-27-9	ch 406 , § 5	SB 2851	July 1, 2020

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91-27-13	ch 406 , § 7	SB 2851	July 1, 2020
91-27-15	ch 406 , § 8	SB 2851	July 1, 2020
91-27-17	ch 406 , § 9	SB 2851	July 1, 2020
91-27-19	ch 406 , § 10	SB 2851	July 1, 2020
91-27-21	ch 406 , § 11	SB 2851	July 1, 2020
91-27-23	ch 406 , § 12	SB 2851	July 1, 2020
91-27-25	ch 406 , § 13	SB 2851	July 1, 2020
91-27-27	ch 406 , § 14	SB 2851	July 1, 2020
91-27-29	ch 406 , § 15	SB 2851	July 1, 2020
91-27-31	ch 406 , § 16	SB 2851	July 1, 2020
91-27-33	ch 406 , § 17	SB 2851	July 1, 2020
91-27-35	ch 406 , § 18	SB 2851	July 1, 2020
91-27-37	ch 406 , § 19	SB 2851	July 1, 2020
91-29-1	ch 406 , § 20	SB 2851	July 1, 2020
91-29-3	ch 406 , § 21	SB 2851	July 1, 2020
91-29-5	ch 406 , § 22	SB 2851	July 1, 2020
91-29-7	ch 406 , § 23	SB 2851	July 1, 2020
91-29-9	ch 406 , § 24	SB 2851	July 1, 2020
91-29-11	ch 406 , § 25	SB 2851	July 1, 2020
91-29-13	ch 406 , § 26	SB 2851	July 1, 2020
91-29-15	ch 406 , § 27	SB 2851	July 1, 2020
91-29-17	ch 406 , § 28	SB 2851	July 1, 2020
91-29-19	ch 406 , § 29	SB 2851	July 1, 2020
91-29-23	ch 406 , § 31	SB 2851	July 1, 2020
91-29-25	ch 406 , § 32	SB 2851	July 1, 2020
91-29-29	ch 406 , § 30	SB 2851	July 1, 2020
93-9-9	ch 466 , § 2	SB 2877	July 1, 2020
93-9-21	ch 466 , § 3	SB 2877	July 1, 2020
93-14-401	ch 344 , § 29	SB 2874	AP-June 22, 2020
93-14-402	ch 344 , § 29	SB 2874	AP-June 22, 2020
93-14-403	ch 344 , § 29	SB 2874	AP-June 22, 2020
93-15-105	ch 328 , § 1	HB 1129	July 1, 2020
93-17-3	ch 461 , § 1	HB 1134	July 1, 2020

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93-20-104	ch 344 , § 2	SB 2874	AP-June 22, 2020
93-20-105	ch 344 , § 3	SB 2874	AP-June 22, 2020
93-20-107	ch 344 , § 4	SB 2874	AP-June 22, 2020
93-20-108	ch 344 , § 5	SB 2874	AP-June 22, 2020
93-20-113	ch 344 , § 6	SB 2874	AP-June 22, 2020
93-20-116	ch 344 , § 7	SB 2874	AP-June 22, 2020
93-20-118	ch 344 , § 8	SB 2874	AP-June 22, 2020
93-20-125	ch 344 , § 9	SB 2874	AP-June 22, 2020
93-20-201	ch 344 , § 10	SB 2874	AP-June 22, 2020
93-20-202	ch 344 , § 11	SB 2874	AP-June 22, 2020
93-20-203	ch 344 , § 12	SB 2874	AP-June 22, 2020
93-20-206	ch 344 , § 13	SB 2874	AP-June 22, 2020
93-20-207	ch 344 , § 14	SB 2874	AP-June 22, 2020
93-20-301	ch 344 , § 15	SB 2874	AP-June 22, 2020
93-20-302	ch 344 , § 16	SB 2874	AP-June 22, 2020
93-20-303	ch 344 , § 17	SB 2874	AP-June 22, 2020
93-20-306	ch 344 , § 18	SB 2874	AP-June 22, 2020
93-20-309	ch 344 , § 19	SB 2874	AP-June 22, 2020
93-20-310	ch 344 , § 20	SB 2874	AP-June 22, 2020
93-20-311	ch 344 , § 21	SB 2874	AP-June 22, 2020
93-20-403	ch 344 , § 22	SB 2874	AP-June 22, 2020
93-20-405	ch 344 , § 23	SB 2874	AP-June 22, 2020
93-20-407	ch 344 , § 24	SB 2874	AP-June 22, 2020
93-20-408	ch 344 , § 25	SB 2874	AP-June 22, 2020
93-20-411	ch 344 , § 26	SB 2874	AP-June 22, 2020
93-20-413	ch 344 , § 27	SB 2874	AP-June 22, 2020
93-20-431	ch 344 , § 28	SB 2874	AP-June 22, 2020
93-21-5	ch 463 , § 1	SB 2821	July 1, 2020
93-21-7	ch 463 , § 2	SB 2821	July 1, 2020
93-21-16	ch 463 , § 3	SB 2821	July 1, 2020
93-21-21	ch 463 , § 4	SB 2821	July 1, 2020
93-21-109	ch 402 , § 2	HB 1386	July 1, 2020
97-5-49	ch 314 , § 62	HB 917	AP-June 18, 2020

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97-32-2	ch 470 , § 8	SB 2596	AP-July 8, 2020
97-32-5	ch 331 , § 4	HB 1486	July 1, 2020
97-32-7	ch 470 , § 5	SB 2596	AP-July 8, 2020
97-32-9	ch 470 , § 4	SB 2596	AP-July 8, 2020
97-32-13	ch 470 , § 6	SB 2596	AP-July 8, 2020
97-32-21	ch 470 , § 7	SB 2596	AP-July 8, 2020
97-32-51	ch 470 , § 3	SB 2596	AP-July 8, 2020
97-32-52	ch 470 , § 2	SB 2596	AP-July 8, 2020
97-41-16	ch 468 , § 1	SB 2658	July 1, 2020
99-3-28	ch 334 , § 1	SB 2061	July 1, 2020
99-19-75	ch 493 , § 5	HB 1559	AP-July 8, 2020

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Mississippi Legislature
2020 Regular Session

House Bill 94

Description: Center for Rural Health Innovation; establish to provide services and resources to rural hospitals.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2020

History of Actions:

1	01/24	(H)	Referred To Public Health and Human Services
2	02/20	(H)	Title Suff Do Pass Comm Sub
3	03/04	(H)	Committee Substitute Adopted
4	03/04	(H)	Passed {Vote}
5	03/06	(H)	Transmitted To Senate
6	05/12	(S)	Referred To Public Health and Welfare; Appropriations
7	06/08	(S)	DR - TSDPAA: PH To AP
8	06/09	(S)	Title Suff Do Pass As Amended
9	06/10	(S)	Amended
10	06/10	(S)	Passed As Amended {Vote}
11	06/11	(S)	Returned For Concurrence
12	06/17	(H)	Concurred in Amend From Senate {Vote}
13	06/22	(H)	Enrolled Bill Signed
14	06/23	(S)	Enrolled Bill Signed
15	06/29		Approved by Governor

Amendments:
[S] Committee Amendment No 1 ***Adopted*** Voice Vote

----- Additional Information -----

House Committee: Public Health and Human Services
Senate Committee: Public Health and Welfare, Appropriations

Principal Author: Mims
Additional Authors: Miles

Title: AN ACT TO ESTABLISH THE MISSISSIPPI CENTER FOR RURAL HEALTH INNOVATION WITHIN THE OFFICE OF RURAL HEALTH OF THE

STATE DEPARTMENT OF HEALTH; TO PROVIDE THAT THE PURPOSE OF THE CENTER IS TO PROVIDE SERVICES AND RESOURCES TO RURAL HOSPITALS, CRITICAL ACCESS HOSPITALS, RURAL HEALTH CLINICS AND RURAL FEDERALLY QUALIFIED HEALTH CENTERS, INCLUDING EXPERT ANALYSIS, GUIDANCE, TRAINING OPPORTUNITIES AND TELEHEALTH INVESTMENT; TO SPECIFY THE MINIMUM AREAS OF SERVICE TO BE PROVIDED BY THE CENTER; TO PROVIDE THAT THE DEPARTMENT SHALL PROVIDE PERSONNEL AND RESOURCES AS NECESSARY TO PROVIDE FOR THE OPERATION OF THE CENTER, AND SHALL BE AUTHORIZED TO ENTER INTO CONTRACTS AS NECESSARY TO CARRY OUT THE PURPOSE OF THE CENTER; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives Mims, Miles

To: Public Health and Human Services

HOUSE BILL NO. 94
(As Sent to Governor)

AN ACT TO ESTABLISH THE MISSISSIPPI CENTER FOR RURAL HEALTH INNOVATION WITHIN THE OFFICE OF RURAL HEALTH OF THE STATE DEPARTMENT OF HEALTH; TO PROVIDE THAT THE PURPOSE OF THE CENTER IS TO PROVIDE SERVICES AND RESOURCES TO RURAL HOSPITALS, CRITICAL ACCESS HOSPITALS, RURAL HEALTH CLINICS AND RURAL FEDERALLY QUALIFIED HEALTH CENTERS, INCLUDING EXPERT ANALYSIS, GUIDANCE, TRAINING OPPORTUNITIES AND TELEHEALTH INVESTMENT; TO SPECIFY THE MINIMUM AREAS OF SERVICE TO BE PROVIDED BY THE CENTER; TO PROVIDE THAT THE DEPARTMENT SHALL PROVIDE PERSONNEL AND RESOURCES AS NECESSARY TO PROVIDE FOR THE OPERATION OF THE CENTER, AND SHALL BE AUTHORIZED TO ENTER INTO CONTRACTS AS NECESSARY TO CARRY OUT THE PURPOSE OF THE CENTER; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The Mississippi Center for Rural Health Innovation is established within the Office of Rural Health of the State Department of Health. The purpose of the center is to provide services and resources to rural hospitals, critical access hospitals, rural health clinics and rural federally qualified health centers, including expert analysis, guidance, training opportunities and telehealth investment. For the purposes of this section, the term "rural hospital" means a licensed Mississippi hospital that:

(a) Has fifty (50) or fewer licensed general acute, nonspecialty beds; or

(b) Is located within the geographic boundaries of a municipality that has a population of less than seven thousand four hundred (7,400) people according to the 2010 U.S. Census.

(2) The specific areas of service to be provided by the center shall be, at a minimum:

(a) Expert consultation, including, but not limited to, detailed financial evaluation, service line assessment, contract review and transitional planning;

(b) Telehealth innovation, including, but not limited to, telehealth expert consultation and telehealth development grants;

(c) Business development training grants, including, but not limited to, billing specialist training grants and administrative development grants;

(d) Peer support network services; and

(e) Any other related services as determined by the State Board of Health.

(3) The department shall provide personnel and resources as necessary to provide for the operation of the center, and shall be authorized to enter into contracts as necessary to carry out the purpose of the center.

SECTION 2. This act shall take effect and be in force from and after July 1, 2020.

Mississippi Legislature
2020 Regular Session

House Bill 1748

Description: Income tax; revise definition of gross income.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: Revenue
Revenue: Yes
Vote type required: Three/Fifths
Effective date: January 1, 2020

History of Actions:
1 06/02 (H) Referred To Ways and Means
2 06/02 (H) Title Suff Do Pass
3 06/02 (H) Passed {Vote}
4 06/03 (H) Transmitted To Senate
5 06/04 (S) Referred To Finance
6 06/16 (S) Title Suff Do Pass As Amended
7 06/17 (S) Amended
8 06/17 (S) Passed As Amended {Vote}
9 06/18 (S) Returned For Concurrence
10 06/19 (H) Concurred in Amend From Senate {Vote}
11 06/23 (H) Enrolled Bill Signed
12 06/24 (S) Enrolled Bill Signed
13 06/30 Approved by Governor

Amendments:
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1748

Code Section: A 027-0007-0015

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Lamar
Additional Authors: Bounds, Haney

Title: AN ACT TO AMEND SECTION 27-7-15, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "GROSS INCOME" UNDER THE STATE INCOME TAX LAW TO EXCLUDE AMOUNTS RECEIVED AS LOANS, ADVANCES AND/OR GRANTS UNDER THE FEDERAL CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT; TO EXCLUDE ANY AND ALL CANCELLED INDEBTEDNESS PROVIDED FOR UNDER THE CARES ACT; TO EXCLUDE AMOUNTS RECEIVED AS PAYMENTS UNDER SECTION 4 OF SENATE BILL NO. 2772, 2020 REGULAR SESSION; TO EXCLUDE AMOUNTS RECEIVED AS GRANTS UNDER THE 2020 COVID-19 MISSISSIPPI BUSINESS ASSISTANCE ACT; TO AMEND SECTION 11, SENATE BILL NO. 2772, 2020 REGULAR SESSION, TO PROVIDE THAT THERE SHALL NOT BE ALLOWED A DEDUCTION FOR OTHERWISE DEDUCTIBLE PAYMENTS PAID WITH FUNDS RECEIVED UNDER THE PAYCHECK PROTECTION PROGRAM (PPP) ESTABLISHED BY THE CARES ACT, BUT ONLY TO THE EXTENT THOSE PAYMENTS ARE NOT ALLOWED AS DEDUCTIONS FOR FEDERAL INCOME TAX PURPOSES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives Lamar, Bounds, Haney To: Ways and Means

HOUSE BILL NO. 1748
(As Sent to Governor)

AN ACT TO AMEND SECTION 27-7-15, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "GROSS INCOME" UNDER THE STATE INCOME TAX LAW TO EXCLUDE AMOUNTS RECEIVED AS LOANS, ADVANCES AND/OR GRANTS UNDER THE FEDERAL CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT; TO EXCLUDE ANY AND ALL CANCELLED INDEBTEDNESS PROVIDED FOR UNDER THE CARES ACT; TO EXCLUDE AMOUNTS RECEIVED AS PAYMENTS UNDER SECTION 4 OF SENATE BILL NO. 2772, 2020 REGULAR SESSION; TO EXCLUDE AMOUNTS RECEIVED AS GRANTS UNDER THE 2020 COVID-19 MISSISSIPPI BUSINESS ASSISTANCE ACT; TO AMEND SECTION 11, SENATE BILL NO. 2772, 2020 REGULAR SESSION, TO PROVIDE THAT THERE SHALL NOT BE ALLOWED A DEDUCTION FOR OTHERWISE DEDUCTIBLE PAYMENTS PAID WITH FUNDS RECEIVED UNDER THE PAYCHECK PROTECTION PROGRAM (PPP) ESTABLISHED BY THE CARES ACT, BUT ONLY TO THE EXTENT THOSE PAYMENTS ARE NOT ALLOWED AS DEDUCTIONS FOR FEDERAL INCOME TAX PURPOSES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-7-15, Mississippi Code of 1972, is amended as follows:

27-7-15. (1) For the purposes of this article, except as otherwise provided, the term "gross income" means and includes the income of a taxpayer derived from salaries, wages, fees or compensation for service, of whatever kind and in whatever form paid, including income from governmental agencies and subdivisions thereof; or from professions, vocations, trades, businesses, commerce or sales, or renting or dealing in property, or reacquired property; also from annuities, interest, rents, dividends, securities, insurance premiums, reinsurance premiums, considerations for supplemental insurance contracts, or the transaction of any business carried on for gain or profit, or gains, or profits, and income derived from any source whatever and in whatever form paid. The amount of all such items of income shall be included in the gross income for the taxable year in which received by the taxpayer. The amount by which an eligible employee's salary is reduced pursuant to a salary reduction agreement authorized under Section 25-17-5 shall be excluded from the term "gross income" within the meaning of this article.

(2) In determining gross income for the purpose of this section, the following, under regulations prescribed by the commissioner, shall be applicable:

(a) **Dealers in property.** Federal rules, regulations and revenue procedures shall be followed with respect to installment sales unless a transaction results in the shifting of income from inside the state to outside the state.

(b) **Casual sales of property.**

(i) Prior to January 1, 2001, federal rules, regulations and revenue procedures shall be followed with respect to installment sales except they shall be applied and administered as if H.R. 3594, the Installment Tax Correction Act of 2000 of the 106th Congress, had not been enacted. This provision will generally affect taxpayers, reporting on the accrual method of accounting, entering into installment note agreements on or after December 17, 1999. Any gain or profit resulting from the casual sale of property will be recognized in the year of sale.

(ii) From and after January 1, 2001, federal rules, regulations and revenue procedures shall be followed with respect to installment sales except as provided in this subparagraph (ii). Gain or profit from the casual sale of property shall be recognized in the year of sale. When a taxpayer recognizes gain on the casual sale of property in which the gain is deferred for federal income tax purposes, a taxpayer may elect to defer the payment of tax resulting from the gain as allowed and to the extent provided under regulations prescribed by the commissioner. If the payment of the tax is made on a deferred basis, the tax shall be computed based on the applicable rate for the income reported in the year the payment is made. Except as otherwise provided in subparagraph (iii) of this paragraph (b), deferring the payment of the tax shall not affect the liability for the tax. If at any time the installment note is sold, contributed, transferred or disposed of in any manner and for any purpose by the original note holder, or the original note holder is merged, liquidated, dissolved or withdrawn from this state, then all deferred tax payments under this section shall immediately become due and payable.

(iii) If the selling price of the property is reduced by any alteration in the terms of an installment note, including default by the purchaser, the gain to be recognized is recomputed based on the adjusted selling price in the same manner as for federal income tax purposes. The tax on this amount, less the previously paid tax on the recognized gain, is payable over the period of the remaining installments. If the tax on the previously recognized gain has been paid in full to this state, the return on which the payment was made may be amended for this purpose only. The statute of limitations in Section 27-7-49 shall not bar an amended return for this purpose.

(c) **Reserves of insurance companies.** In the case of insurance companies, any amounts in excess of the legally required reserves shall be included as gross income.

(d) **Affiliated companies or persons.** As regards sales, exchanges or payments for services from one to another of affiliated companies or persons or under other circumstances where the relation between the buyer and seller is such that gross proceeds from the sale or the value of the exchange or the payment for services are not indicative of the true value of the subject matter of the sale, exchange or payment for services, the commissioner shall prescribe uniform and equitable rules for determining the true value of the gross income, gross sales, exchanges or payment for services, or require consolidated returns of affiliates.

(e) **Alimony and separate maintenance payments.** The federal rules, regulations and revenue procedures in determining the deductibility and taxability of alimony payments shall be followed in this state.

(f) **Reimbursement for expenses of moving.** There shall be included in gross income (as compensation for services) any amount received or accrued, directly or indirectly, by an individual as a payment for or reimbursement of expenses of moving from one (1) residence to another residence which is attributable to employment or self-employment.

(3) In the case of taxpayers other than residents, gross income includes gross income from sources within this state.

(4) The words "gross income" do not include the following items of income which shall be exempt from taxation under this article:

(a) The proceeds of life insurance policies and contracts paid upon the death of the insured. However, the income from the proceeds of such policies or contracts shall be included in the gross income.

(b) The amount received by the insured as a return of premium or premiums paid by him under life insurance policies, endowment, or annuity contracts, either during the term or at maturity or upon surrender of the contract.

(c) The value of property acquired by gift, bequest, devise or descent, but the income from such property shall be included in the gross income.

(d) Interest upon the obligations of the United States or its possessions, or securities issued under the provisions of the Federal Farm Loan Act of 1916, or bonds issued by the War Finance Corporation, or obligations of the State of Mississippi or political subdivisions thereof.

(e) The amounts received through accident or health insurance as compensation for personal injuries or sickness, plus the amount of any damages received for such injuries or such sickness or injuries, or through the War Risk Insurance Act, or any law for the benefit or relief of injured or disabled members of the military or naval forces of the United States.

(f) Income received by any religious denomination or by any institution or trust for moral or mental improvements, religious, Bible, tract, charitable, benevolent, fraternal, missionary, hospital, infirmary, educational, scientific, literary, library, patriotic, historical or cemetery purposes or for two (2) or more of such purposes, if such income be used exclusively for carrying out one or more of such purposes.

(g) Income received by a domestic corporation which is "taxable in another state" as this term is defined in this article, derived from business activity conducted outside this state. Domestic corporations taxable both within and without the state shall determine Mississippi income on the same basis as provided for foreign corporations under the provisions of this article.

(h) In case of insurance companies, there shall be excluded from gross income such portion of actual premiums received from an individual policyholder as is paid back or credited to or treated as an abatement of premiums of such policyholder within the taxable year.

(i) Income from dividends that has already borne a tax as dividend income under the provisions of this article, when such dividends may be specifically identified in the possession of the recipient.

(j) Amounts paid by the United States to a person as added compensation for hazardous duty pay as a member of the Armed Forces of the United States in a combat zone designated by Executive Order of the President of the United States.

(k) Amounts received as retirement allowances, pensions, annuities or optional retirement allowances paid under the federal Social Security Act, the Railroad Retirement Act, the Federal Civil Service Retirement Act, or any other retirement system of the United States government, retirement allowances paid under the Mississippi Public Employees' Retirement System, Mississippi Highway Safety Patrol Retirement System or any other retirement system of the State of Mississippi or any political subdivision thereof. The exemption allowed under this paragraph

(k) shall be available to the spouse or other beneficiary at the death of the primary retiree.

(l) Amounts received as retirement allowances, pensions, annuities or optional retirement allowances paid by any public or governmental retirement system not designated in paragraph (k) or any private retirement system or plan of which the recipient was a member at any time during the period of his employment. Amounts received as a distribution under a Roth Individual Retirement Account shall be treated in the same manner as provided under the Internal Revenue Code of 1986, as amended. The exemption allowed under this paragraph (l) shall be available to the spouse or other beneficiary at the death of the primary retiree.

(m) National Guard or Reserve Forces of the United States compensation not to exceed the aggregate sum of Five Thousand Dollars ($5,000.00) for any taxable year through the 2005 taxable year, and not to exceed the aggregate sum of Fifteen Thousand Dollars ($15,000.00) for any taxable year thereafter.

(n) Compensation received for active service as a member below the grade of commissioned officer and so much of the compensation as does not exceed the maximum enlisted amount received for active service as a commissioned officer in the Armed Forces of the United States for any month during any part of which such members of the Armed Forces (i) served in a combat zone as designated by Executive Order of the President of the United

States or a qualified hazardous duty area as defined by federal law, or both; or (ii) was hospitalized as a result of wounds, disease or injury incurred while serving in such combat zone. For the purposes of this paragraph (n), the term "maximum enlisted amount" means and has the same definition as that term has in 26 USCS 112.

(o) The proceeds received from federal and state forestry incentive programs.

(p) The amount representing the difference between the increase of gross income derived from sales for export outside the United States as compared to the preceding tax year wherein gross income from export sales was highest, and the net increase in expenses attributable to such increased exports. In the absence of direct accounting, the ratio of net profits to total sales may be applied to the increase in export sales. This paragraph (p) shall only apply to businesses located in this state engaging in the international export of Mississippi goods and services. Such goods or services shall have at least fifty percent (50%) of value added at a location in Mississippi.

(q) Amounts paid by the federal government for the construction of soil conservation systems as required by a conservation plan adopted pursuant to 16 USCS 3801 et seq.

(r) The amount deposited in a medical savings account, and any interest accrued thereon, that is a part of a medical savings account program as specified in the Medical Savings

Account Act under Sections 71-9-1 through 71-9-9; provided, however, that any amount withdrawn from such account for purposes other than paying eligible medical expense or to procure health coverage shall be included in gross income.

(s) Amounts paid by the Mississippi Soil and Water Conservation Commission from the Mississippi Soil and Water Cost-Share Program for the installation of water quality best management practices.

(t) Dividends received by a holding corporation, as defined in Section 27-13-1, from a subsidiary corporation, as defined in Section 27-13-1.

(u) Interest, dividends, gains or income of any kind on any account in the Mississippi Affordable College Savings Trust Fund, as established in Sections 37-155-101 through 37-155-125, to the extent that such amounts remain on deposit in the MACS Trust Fund or are withdrawn pursuant to a qualified withdrawal, as defined in Section 37-155-105.

(v) Interest, dividends or gains accruing on the payments made pursuant to a prepaid tuition contract, as provided for in Section 37-155-17.

(w) Income resulting from transactions with a related member where the related member subject to tax under this chapter was required to, and did in fact, add back the expense of such transactions as required by Section 27-7-17(2). Under no circumstances may the exclusion from income exceed the deduction add-back of the related member, nor shall the exclusion apply to any income otherwise excluded under this chapter.

(x) Amounts that are subject to the tax levied pursuant to Section 27-7-901, and are paid to patrons by gaming establishments licensed under the Mississippi Gaming Control Act.

(y) Amounts that are subject to the tax levied pursuant to Section 27-7-903, and are paid to patrons by gaming establishments not licensed under the Mississippi Gaming Control Act.

(z) Interest, dividends, gains or income of any kind on any account in a qualified tuition program and amounts received as distributions under a qualified tuition program shall be treated in the same manner as provided under the United States Internal Revenue Code, as amended. For the purposes of this paragraph (z), the term "qualified tuition program" means and has the same definition as that term has in 26 USCS 529.

(aa) The amount deposited in a health savings account, and any interest accrued thereon, that is a part of a health savings account program as specified in the Health Savings Accounts Act created in Sections 83-62-1 through 83-62-9; however, any amount withdrawn from such account for purposes other than paying qualified medical expenses or to procure health coverage shall be included in gross income, except as otherwise provided by Sections 83-62-7 and 83-62-9.

(bb) Amounts received as qualified disaster relief payments shall be treated in the same manner as provided under the United States Internal Revenue Code, as amended.

(cc) Amounts received as a "qualified Hurricane Katrina distribution" as defined in the United States Internal Revenue Code, as amended.

(dd) Amounts received by an individual which may be excluded from income as foreign earned income for federal income tax purposes.

(ee) Amounts received by a qualified individual, directly or indirectly, from an employer or nonprofit housing organization that are qualified housing expenses associated with an employer-assisted housing program. For purposes of this paragraph (ee):

(i) "Qualified individual" means any individual whose household income does not exceed one hundred twenty percent (120%) of the area median gross income (as defined by the United States Department of Housing and Urban Development), adjusted for household size, for the area in which the housing is located.

(ii) "Nonprofit housing organization" means an organization that is organized as a not-for-profit organization under the laws of this state or another state and has as one of its purposes:

1. Homeownership education or counseling;

2. The development of affordable housing; or

3. The development or administration of employer-assisted housing programs.

(iii) "Employer-assisted housing program" means a separate written plan of any employer (including, without limitation, tax-exempt organizations and public employers) for the exclusive benefit of the employer's employees to pay qualified housing expenses to assist the employer's employees in securing affordable housing.

(iv) "Qualified housing expenses" means:

1. With respect to rental assistance, an amount not to exceed Two Thousand Dollars ($2,000.00) paid for the purpose of assisting employees with security deposits and rental subsidies; and

2. With respect to homeownership assistance, an amount not to exceed the lesser of Ten Thousand Dollars ($10,000.00) or six percent (6%) of the purchase price of the employee's principal residence that is paid for the purpose of assisting employees with down payments, payment of closing costs, reduced interest mortgages, mortgage guarantee programs, mortgage forgiveness programs, equity contribution programs, or contributions to homebuyer education and/or homeownership counseling of eligible employees.

(ff) For the 2010 taxable year and any taxable year thereafter, amounts converted in accordance with the United States Internal Revenue Code, as amended, from a traditional Individual

Retirement Account to a Roth Individual Retirement Account. The exemption allowed under this paragraph (ff) shall be available to the spouse or other beneficiary at the death of the primary retiree.

(gg) Amounts received for the performance of disaster or emergency-related work as defined in Section 27-113-5.

(hh) The amount deposited in a catastrophe savings account established under Sections 27-7-1001 through 27-7-1007, interest income earned on the catastrophe savings account, and distributions from the catastrophe savings account; however, any amount withdrawn from a catastrophe savings account for purposes other than paying qualified catastrophe expenses shall be included in gross income, except as otherwise provided by Sections 27-7-1001 through 27-7-1007.

(ii) Interest, dividends, gains or income of any kind on any account in the Mississippi Achieving a Better Life Experience (ABLE) Trust Fund, as established in Chapter 28, Title 43, to the extent that such amounts remain on deposit in the ABLE Trust Fund or are withdrawn pursuant to a qualified withdrawal, as defined in Section 43-28-11.

(jj) Subject to the limitations provided under Section 27-7-1103, amounts deposited into a first-time homebuyer savings account and any interest or other income earned attributable to an account and monies or funds withdrawn or distributed from an account for the payment of eligible costs by or on behalf of a qualified beneficiary; however, any monies or funds withdrawn or distributed from a first-time homebuyer savings account for any purpose other than the payment of eligible costs by or on behalf of a qualified beneficiary shall be included in gross income. For the purpose of this paragraph (jj), the terms "first-time homebuyer savings account," "eligible costs" and "qualified beneficiary" mean and have the same definitions as such terms have in Section 27-7-1101.

(kk) Amounts paid by an agricultural disaster program as compensation to an agricultural producer, cattle farmer or cattle rancher who has suffered a loss as the result of a disaster or emergency, including, but not limited to, the following United States Department of Agriculture programs:

(i) Livestock Forage Disaster Program;

(ii) Livestock Indemnity Program;

(iii) Emergency Assistance for Livestock, Honey Bees and Farm-raised Fish Program;

(iv) Emergency Conservation Program;

(v) Noninsured Crop Disaster Assistance Program;

(vi) Pasture, Rangeland, Forage Pilot Insurance Program;

(vii) Annual Forage Pilot Program;

(viii) Livestock Risk Protection Insurance Program; and

(ix) Livestock Gross Margin Insurance Plan.

(ll) Amounts received as advances and/or grants under the federal Coronavirus Aid, Relief, and Economic Security Act.

(mm) Any and all cancelled indebtedness provided for under the Coronavirus Aid, Relief, and Economic Security Act.

(nn) Amounts received as payments under Section 4 of Senate Bill No. 2772, 2020 Regular Session.

(oo) Amounts received as grants under the 2020 COVID-19 Mississippi Business Assistance Act.

(5) Prisoners of war, missing in action-taxable status.

(a) **Members of the Armed Forces.** Gross income does not include compensation received for active service as a member of the Armed Forces of the United States for any month during any part of which such member is in a missing status, as defined in paragraph (d) of this subsection, during the Vietnam Conflict as a result of such conflict.

(b) **Civilian employees.** Gross income does not include compensation received for active service as an employee for any month during any part of which such employee is in a missing status during the Vietnam Conflict as a result of such conflict.

(c) **Period of conflict.** For the purpose of this subsection, the Vietnam Conflict began February 28, 1961, and ends on the date designated by the President by Executive Order as the date of the termination of combatant activities in Vietnam. For the purpose of this subsection, an individual is in a missing status as a result of the Vietnam Conflict if immediately before such status began he was performing service in Vietnam or was performing service in Southeast Asia in direct support of military operations in Vietnam. "Southeast Asia," as used in this paragraph, is defined to include Cambodia, Laos, Thailand and waters adjacent thereto.

(d) "Missing status" means the status of an employee or member of the Armed Forces who is in active service and is officially carried or determined to be absent in a status of (i) missing; (ii) missing in action; (iii) interned in a foreign country; (iv) captured, beleaguered or besieged by a hostile force; or (v) detained in a foreign country against his will; but does not include the status of an employee or member of the Armed Forces for a period during which he is officially determined to be absent from his post of duty without authority.

(e) "Active service" means active federal service by an employee or member of the Armed Forces of the United States in an active duty status.

(f) "Employee" means one who is a citizen or national of the United States or an alien admitted to the United States for permanent residence and is a resident of the State of Mississippi and is employed in or under a federal executive agency or department of the Armed Forces.

(g) "Compensation" means (i) basic pay; (ii) special pay; (iii) incentive pay; (iv) basic allowance for quarters; (v) basic allowance for subsistence; and (vi) station per diem allowances for not more than ninety (90) days.

(h) If refund or credit of any overpayment of tax for any taxable year resulting from the application of this subsection (5) is prevented by the operation of any law or rule of law, such refund or credit of such overpayment of tax may, nevertheless, be made or allowed if claim therefor is filed with the Department of Revenue within three (3) years after the date of the enactment of this subsection.

(i) The provisions of this subsection shall be effective for taxable years ending on or after February 28, 1961.

(6) A shareholder of an S corporation, as defined in Section 27-8-3(1)(g), shall take into account the income, loss, deduction or credit of the S corporation only to the extent provided in Section 27-8-7(2).

SECTION 2. Nothing in this act shall affect or defeat any claim, assessment, appeal, suit, right or cause of action for taxes due or accrued under the income tax laws before the date on which this act becomes effective, whether such claims, assessments, appeals, suits or actions have been begun before the date on which this act becomes effective or are begun thereafter; and the provisions of the income tax laws are expressly continued in full force, effect and operation for the purpose of the assessment, collection and enrollment of liens for any taxes due or accrued and the execution of any warrant under such laws before the date on which this act becomes effective, and for the imposition of any penalties, forfeitures or claims for failure to comply with such laws.

SECTION 3. Section 11 of Senate Bill No. 2772, 2020 Regular Session, is amended as follows:

Section 11. There shall not be allowed a deduction for otherwise deductible payments paid with funds received under the Paycheck Protection Program (PPP) * * * established by the Coronavirus Aid, Relief, and Economic Security (CARES) Act, but only to the extent those payments are not allowed as deductions for federal income tax purposes. To the extent such payments are allowed as deductions for federal income tax purposes, those expenses shall be deemed to have been incurred in connection with earning and distributing taxable income, notwithstanding that such payments resulted in forgiveness of loans received.

SECTION 4. This act shall take effect and be in force from and after January 1, 2020.

Mississippi Legislature
2020 Regular Session

House Bill 1784

Description: Coronavirus relief funds; transfer to Unemployment Compensation Fund.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: None
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	06/24	Suspend from Deadlines by HC 69
2	06/24	(H) Referred To Rules
3	06/25	(H) Title Suff Do Pass
4	06/25	(H) Passed {Vote}
5	06/26	(H) Transmitted To Senate
6	06/29	(S) Referred To Appropriations
7	07/01	(S) Title Suff Do Pass As Amended
8	07/01	(S) Amended
9	07/01	(S) Passed As Amended {Vote}
10	07/01	(S) Immediate Release
11	07/01	(S) Returned For Concurrence
12	07/01	(H) Concurred in Amend From Senate {Vote}
13	07/01	(H) Immediate Release
14	07/02	(S) Enrolled Bill Signed
15	07/02	(H) Enrolled Bill Signed
16	07/08	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1784

----- Additional Information -----

House Committee: Rules
Senate Committee: Appropriations

Principal Author: Bell (21st)

Title: AN ACT TO DIRECT THE STATE FISCAL OFFICER TO TRANSFER $181,775,000.00 FROM THE BUDGET CONTINGENCY FUND TO THE UNEMPLOYMENT COMPENSATION FUND; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representative Bell (21st) To: Rules

HOUSE BILL NO. 1784
(As Sent to Governor)

AN ACT TO DIRECT THE STATE FISCAL OFFICER TO TRANSFER $181,775,000.00 FROM THE BUDGET CONTINGENCY FUND TO THE UNEMPLOYMENT COMPENSATION FUND; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Upon the effective date of this act, the State Fiscal Officer shall transfer the sum of One Hundred Eighty-one Million Seven Hundred Seventy-five Thousand Dollars ($181,775,000.00) from the Budget Contingency Fund to the Unemployment Compensation Fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2020 Regular Session

House Bill 1788

Description: Mississippi Pandemic Response Broadband Availability Act; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: None
Revenue: No
Vote type required: Majority
Effective date: Passage
Suspension measure: HC 69

History of Actions:

1	06/25	Suspend from Deadlines by HC 69
2	06/25	(H) Referred To Rules
3	06/26	(H) Title Suff Do Pass
4	06/26	(H) Passed {Vote}
5	06/27	(H) Transmitted To Senate
6	06/29	(S) Referred To Energy
7	06/29	(S) Title Suff Do Pass As Amended
8	07/01	(S) Tabled Subject To Call
9	07/01	(S) Amended
10	07/01	(S) Passed As Amended {Vote}
11	07/01	(S) Immediate Release
12	07/01	(S) Returned For Concurrence
13	07/01	(H) Concurred in Amend From Senate {Vote}
14	07/01	(H) Immediate Release
15	07/01	(H) Enrolled Bill Signed
16	07/02	(S) Enrolled Bill Signed
17	07/08	Law W/out Governor's Signature

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 to Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1788

----- Additional Information -----

House Committee: Rules
Senate Committee: Energy

Principal Author: Bounds
Additional Authors: Karriem

Title: AN ACT TO DIRECT THE STATE FISCAL OFFICER TO TRANSFER $50,000,000.00 TO THE MISSISSIPPI PANDEMIC RESPONSE BROADBAND AVAILABILITY GRANT PROGRAM FUND; TO CREATE THE "MISSISSIPPI PANDEMIC RESPONSE BROADBAND AVAILABILITY ACT"; TO PROVIDE A STATEMENT OF LEGISLATIVE INTENT AND FINDINGS; TO CREATE THE "MISSISSIPPI PANDEMIC RESPONSE BROADBAND AVAILABILITY GRANT PROGRAM FUND" AS A SPECIAL FUND IN THE STATE TREASURY FOR THE PURPOSE OF PROVIDING FUNDS FOR GRANTS TO MISSISSIPPI PUBLIC SCHOOL DISTRICTS, INDEPENDENT SCHOOLS AND NATIVE AMERICAN TRIBAL SCHOOL DISTRICTS; TO PROVIDE THAT THE MISSISSIPPI PANDEMIC RESPONSE BROADBAND AVAILABILITY GRANT PROGRAM SHALL BE ADMINISTERED BY THE MISSISSIPPI DEPARTMENT OF EDUCATION, FOR THE PURPOSE OF MAKING GRANTS TO ELIGIBLE SCHOOL DISTRICTS AND SCHOOLS TO PROVIDE THEM WITH GRANT MONIES FOR ELIGIBLE EXPENSES; TO DIRECT THE MISSISSIPPI DEPARTMENT OF EDUCATION TO DEVELOP REGULATIONS AND PROCEDURES TO GOVERN THE ADMINISTRATION OF THE PROGRAM; TO PRESCRIBE THE REQUIREMENTS FOR THE GRANTS; TO SPECIFY THAT THE USE OF GRANT FUNDS SHALL BE SUBJECT TO AUDIT AND REGULATION OF THE MISSISSIPPI DEPARTMENT OF EDUCATION, AND NONCOMPLIANCE WITH THE TERMS OF THE GRANT SHALL REQUIRE REPAYMENT OF GRANT MONIES TO THE STATE; TO SPECIFY THAT ALL MONIES SHALL BE DISBURSED FROM THIS SPECIAL FUND IN COMPLIANCE WITH THE REQUIREMENTS OF THE CARES ACT AND GUIDELINES FROM THE UNITED STATES DEPARTMENT OF THE TREASURY REGARDING THE USE OF MONIES FROM THE CORONAVIRUS RELIEF FUND; TO TRANSFER UNDISTRIBUTED MONIES IN THE FUND AS OF DECEMBER 1, 2020, TO THE UNEMPLOYMENT COMPENSATION FUND; TO PROVIDE THAT A DECLARATION OF ANY PORTION OF THIS ACT AS INVALID SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ACT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives Bounds, Karriem To: Rules

HOUSE BILL NO. 1788
(As Sent to Governor)

AN ACT TO DIRECT THE STATE FISCAL OFFICER TO TRANSFER $50,000,000.00 TO THE MISSISSIPPI PANDEMIC RESPONSE BROADBAND AVAILABILITY GRANT PROGRAM FUND; TO CREATE THE "MISSISSIPPI PANDEMIC RESPONSE BROADBAND AVAILABILITY ACT"; TO PROVIDE A STATEMENT OF LEGISLATIVE INTENT AND FINDINGS; TO CREATE THE "MISSISSIPPI PANDEMIC RESPONSE BROADBAND AVAILABILITY GRANT PROGRAM FUND" AS A SPECIAL FUND IN THE STATE TREASURY FOR THE PURPOSE OF PROVIDING FUNDS FOR GRANTS TO MISSISSIPPI PUBLIC SCHOOL DISTRICTS, INDEPENDENT SCHOOLS AND NATIVE AMERICAN TRIBAL SCHOOL DISTRICTS; TO PROVIDE THAT THE MISSISSIPPI PANDEMIC RESPONSE BROADBAND AVAILABILITY GRANT PROGRAM SHALL BE ADMINISTERED BY THE MISSISSIPPI DEPARTMENT OF EDUCATION, FOR THE PURPOSE OF MAKING GRANTS TO ELIGIBLE SCHOOL DISTRICTS AND SCHOOLS TO PROVIDE THEM WITH GRANT MONIES FOR ELIGIBLE EXPENSES; TO DIRECT THE MISSISSIPPI DEPARTMENT OF EDUCATION TO DEVELOP REGULATIONS AND PROCEDURES TO GOVERN THE ADMINISTRATION OF THE PROGRAM; TO PRESCRIBE THE REQUIREMENTS FOR THE GRANTS; TO SPECIFY THAT THE USE OF GRANT FUNDS SHALL BE SUBJECT TO AUDIT AND REGULATION OF THE MISSISSIPPI DEPARTMENT OF EDUCATION, AND NONCOMPLIANCE WITH THE TERMS OF THE GRANT SHALL REQUIRE REPAYMENT OF GRANT MONIES TO THE STATE; TO SPECIFY THAT ALL MONIES SHALL BE DISBURSED FROM THIS SPECIAL FUND IN COMPLIANCE WITH THE REQUIREMENTS OF THE CARES ACT AND GUIDELINES FROM THE UNITED STATES DEPARTMENT OF THE TREASURY REGARDING THE USE OF MONIES FROM THE CORONAVIRUS RELIEF FUND; TO TRANSFER UNDISTRIBUTED MONIES IN THE FUND AS OF DECEMBER 1, 2020, TO THE UNEMPLOYMENT COMPENSATION FUND; TO PROVIDE THAT A DECLARATION OF ANY PORTION OF THIS ACT AS INVALID SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Upon the effective date of this act, the State Fiscal Officer shall transfer to the Mississippi Pandemic Response Broadband Availability Grant Program Fund out of the Budget Contingency Fund..........................$ 50,000,000.00.

SECTION 2. Sections 2 through 5 of this act shall be known and may be cited as the "Mississippi Pandemic Response Broadband Availability Act."

SECTION 3. (1) The Legislature finds and declares that due to the COVID-19 pandemic there is an immediate increased need for reliable Internet service in Mississippi, including expanded broadband access, to facilitate and assist with distance learning. Therefore, the Mississippi Department of Education shall establish the Mississippi Pandemic Response Broadband Availability Grant Program to provide grants to Mississippi public school districts, independent schools and Native American tribal schools for the purpose of expanding broadband access in the unserved areas of the State of Mississippi.

(2) As used in this act, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Broadband access" means access to broadband services as defined in Section 77-17-3(d).

(b) "COVID-19" means the Coronavirus Disease 2019.

(c) "Department" means the Mississippi Department of Education.

(3) There is hereby created in the State Treasury a special fund to be designated as the "Mississippi Pandemic Response Broadband Availability Grant Program Fund," which shall consist of funds made available by the Legislature in any manner and funds from any other source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund shall be used for the purpose of providing payments to eligible Mississippi public school districts, independent schools and Native American tribal school districts as provided in this act. Monies in the fund shall be administered and disbursed by the department in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the Coronavirus Aid, Relief, and Economic Security Act. If on December 1, 2020, there are undistributed monies in the fund, or if at any other time undistributed monies in the fund are determined by the department to be ineligible to be spent by the department, those monies shall be transferred to the Unemployment Compensation Fund.

SECTION 4. (1) The department shall distribute grant monies, without the requirement of application by school districts or schools, as equitably and efficiently as possible after determining the unserved areas of the state using the latest publicly available Federal Communications Commission broadband data, and after determining which and to what extent Mississippi public school districts, independent schools and Native American tribal school districts educate students living in such unserved areas of the state. The Mississippi Department of Education shall consult with the Mississippi Association of Independent Schools and the administrations of the Native American tribal school districts in determining which and to what extent such schools and schools districts educate students living in such unserved areas of the state. Any grant monies provided under this act shall be spent by the recipient school district no later than December 1, 2020, or by such later date as may be specified in the guidelines, guidance, rules, regulations and/or other criteria of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established in Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act. Grants shall be conditioned on the school district or school broadband provider agreements including that broadband capacity shall be expanded to a significant extent for the district's or school's students during the COVID-19 public health emergency.

(2) The department may develop regulations and procedures to govern the administration of the program.

SECTION 5. (1) The grant monies distributed under this act shall be used by school districts and schools to negotiate and contract with existing or potential broadband providers to increase or gain broadband access for the unserved areas where their students reside. To achieve such increased broadband access, the school districts and schools may utilize any broadband technology available to increase or gain broadband access in the unserved areas.

(2) The use of grants shall be subject to audit by the United States Department of the Treasury's Office of Inspector General and the Mississippi Department of Education. A school district or school found to be fully or partially noncompliant with grant requirements shall return to the state all or a portion of the grant monies received. Recipient school districts and schools shall confirm their understanding of these terms.

(3) Mississippi public school districts, independent schools and Native American tribal schools that receive grant monies under this act shall provide periodic project status reports to the Mississippi Department of Education and any other documentation that the Mississippi Department of Education determines is necessary to ensure compliance with this act and the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established in Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act.

SECTION 6. If any section, paragraph, sentence, clause, phrase or any part of this act is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no manner affected thereby but shall remain in full force and effect.

SECTION 7. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2020 Regular Session

House Bill 1791

Description: Mississippi Tourism Recovery Fund and Mississippi Nonprofit Art Museums Recovery Fund; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: None
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	06/26		Suspend from Deadlines by HC 69
2	06/26	(H)	Referred To Rules
3	06/28	(H)	Passed {Vote}
4	06/28	(H)	Motion to Reconsider Entered (Eure, Turner, Currie)
5	06/29	(H)	Motion to Reconsider Tabled
6	06/29	(H)	Transmitted To Senate
7	06/29	(S)	Referred To Appropriations
8	07/01	(S)	Title Suff Do Pass As Amended
9	07/01	(S)	Amended
10	07/01	(S)	Passed As Amended {Vote}
11	07/01	(S)	Immediate Release
12	07/01	(S)	Returned For Concurrence
13	07/01	(H)	Concurred in Amend From Senate {Vote}
14	07/01	(H)	Immediate Release
15	07/02	(S)	Enrolled Bill Signed
16	07/02	(H)	Enrolled Bill Signed
17	07/08		Law W/out Governor's Signature

Amendments:

[H] Committee Amendment No 1Pending
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1791

Code Section: A 057-0001-0064.1

----- Additional Information -----

House Committee: Rules*
Senate Committee: Appropriations

Principal Author: Currie
Additional Authors: Eure, McKnight, Calvert, Faulkner, Gibbs (72nd), Foster, McCray, Paden

Title: AN ACT TO DIRECT THE STATE FISCAL OFFICER TO MAKE TRANSFERS OF FUNDS OUT OF THE BUDGET CONTINGENCY FUND TO CERTAIN SPECIAL FUNDS CREATED BY THIS ACT; TO CREATE THE "MISSISSIPPI TOURISM RECOVERY FUND" AS A SPECIAL FUND IN THE STATE TREASURY TO BE ADMINISTERED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION FOR THE PURPOSE OF PROVIDING FUNDS TO DESTINATION MARKETING ORGANIZATIONS TO ASSIST IN PAYING COSTS OF CERTAIN MARKETING ACTIVITIES; TO DEFINE THE TERMS "DESTINATION MARKETING ORGANIZATIONS" AND "MARKETING ACTIVITIES" FOR THE PURPOSES OF THIS ACT; TO PROVIDE FOR THE MANNER IN WHICH THE DEPARTMENT OF FINANCE AND ADMINISTRATION SHALL DISTRIBUTE FUNDS TO DESTINATION MARKETING ORGANIZATIONS UNDER THIS ACT; TO TRANSFER UNEXPENDED MONIES IN THE FUND AS OF DECEMBER 1, 2020, TO THE UNEMPLOYMENT COMPENSATION FUND; TO CREATE THE "MISSISSIPPI NONPROFIT MUSEUMS RECOVERY FUND" AS A SPECIAL FUND IN THE STATE TREASURY TO BE ADMINISTERED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION FOR THE PURPOSE OF PROVIDING FUNDS TO NONPROFIT MUSEUMS TO ASSIST IN PAYING COSTS ASSOCIATED WITH CLEANING, DISINFECTION, SOCIAL DISTANCING MEASURES AND OTHER HEALTH AND SAFETY MEASURES NECESSARY IN ORDER TO REOPEN TO THE PUBLIC DUE TO THE CORONAVIRUS 2019; TO TRANSFER UNEXPENDED MONIES IN THE FUND AS OF DECEMBER 1, 2020, TO THE UNEMPLOYMENT COMPENSATION FUND; TO AMEND SECTION 57-1-64.1, MISSISSIPPI CODE OF 1972, TO REVISE THE MEMBERSHIP OF THE MISSISSIPPI TOURISM ASSOCIATION MARKETING ADVISORY BOARD; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives Currie, Eure, McKnight, Calvert, Faulkner, Gibbs (72nd), Foster, McCray, Paden

To: Rules

HOUSE BILL NO. 1791
(As Sent to Governor)

AN ACT TO DIRECT THE STATE FISCAL OFFICER TO MAKE TRANSFERS OF FUNDS OUT OF THE BUDGET CONTINGENCY FUND TO CERTAIN SPECIAL FUNDS CREATED BY THIS ACT; TO CREATE THE "MISSISSIPPI TOURISM RECOVERY FUND" AS A SPECIAL FUND IN THE STATE TREASURY TO BE ADMINISTERED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION FOR THE PURPOSE OF PROVIDING FUNDS TO DESTINATION MARKETING ORGANIZATIONS TO ASSIST IN PAYING COSTS OF CERTAIN MARKETING ACTIVITIES; TO DEFINE THE TERMS "DESTINATION MARKETING ORGANIZATIONS" AND "MARKETING ACTIVITIES" FOR THE PURPOSES OF THIS ACT; TO PROVIDE FOR THE MANNER IN WHICH THE DEPARTMENT OF FINANCE AND ADMINISTRATION SHALL DISTRIBUTE FUNDS TO DESTINATION MARKETING ORGANIZATIONS UNDER THIS ACT; TO TRANSFER UNEXPENDED MONIES IN THE FUND AS OF DECEMBER 1, 2020, TO THE UNEMPLOYMENT COMPENSATION FUND; TO CREATE THE "MISSISSIPPI NONPROFIT MUSEUMS RECOVERY FUND" AS A SPECIAL FUND IN THE STATE TREASURY TO BE ADMINISTERED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION FOR THE PURPOSE OF PROVIDING FUNDS TO NONPROFIT MUSEUMS TO ASSIST IN PAYING COSTS ASSOCIATED WITH CLEANING, DISINFECTION, SOCIAL DISTANCING MEASURES AND OTHER HEALTH AND SAFETY MEASURES NECESSARY IN ORDER TO REOPEN TO THE PUBLIC DUE TO THE CORONAVIRUS 2019; TO TRANSFER UNEXPENDED MONIES IN THE FUND AS OF DECEMBER 1, 2020, TO THE UNEMPLOYMENT COMPENSATION FUND; TO AMEND SECTION 57-1-64.1, MISSISSIPPI CODE OF 1972, TO REVISE THE MEMBERSHIP OF THE MISSISSIPPI TOURISM ASSOCIATION MARKETING ADVISORY BOARD; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The COVID-19 public health emergency has had a significant negative impact on Mississippi's tourism industry and its nonprofit museums. The funds provided in this act are necessary expenditures related to COVID-19, the purpose of which is to publicize the resumption of tourism activities and steps taken to ensure a safe tourism experience and to assist nonprofit museums with costs associated with cleaning, disinfection, social distancing measures and/or other health and safety measures necessary for such museums to reopen to the public.

SECTION 2. (1) Upon the effective date of this act, the State Fiscal Officer shall transfer the sum of Fourteen Million Dollars ($14,000,000.00) from the Budget Contingency Fund to the Mississippi Tourism Recovery Fund created by Section 3 of this act.

(2) Upon the effective date of this act, the State Fiscal Officer shall transfer the sum of One Million Dollars ($1,000,000.00) from the Budget Contingency Fund to the Mississippi Nonprofit Museums Recovery Fund created by Section 4 of this act.

SECTION 3. (1) As used in this section, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Destination marketing organization" means special local governmental units created by local and private laws of the State of Mississippi for the purpose of tourism promotion, funded by special local tax levies, and staffed with professionals engaged in out-of-state tourism marketing and tourism product development for municipalities, counties and/or regions.

(b) "Marketing activities" means multimedia marketing and advertising, including digital media, broadcast media and printed media, including travel publications, production, travel market sector analysis, consumer travel sentiment, public relations, communication strategy, direct sales bookings, group tour bookings, tourism development and administrative costs to execute marketing activities related to the business disruption effects of the Coronavirus Disease 2019 as expressed in Section 1 of this act.

(2) (a) There is hereby created in the State Treasury a special fund to be designated as the "Mississippi Tourism Recovery Fund," which shall consist of funds made available by the Legislature in any manner and funds from any other source designated for deposit into such fund. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund shall be used by the Department of Finance and Administration, upon appropriation by the Legislature, for the purposes provided in this section. Monies in the fund shall be disbursed in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department

of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the Coronavirus Aid, Relief, and Economic Security Act. If on December 1, 2020, there are unexpended monies in the fund, those monies shall be transferred to the Unemployment Compensation Fund. Monies in the fund shall be disbursed by the Department of Finance and Administration as follows:

(i) Two Hundred Fifty Thousand Dollars ($250,000.00) shall be disbursed to the Tate County Economic Development Foundation for use by the foundation to assist the Senatobia Chamber of Commerce Main Street program in paying the costs of marketing activities;

(ii) Two Hundred Fifty Thousand Dollars ($250,000.00) shall be disbursed to the Brookhaven Tourism Council to assist in paying the costs of marketing activities; and

(iii) Thirteen Million Five Hundred Thousand Dollars ($13,500,000.00) shall be disbursed as provided in paragraph (b) of this subsection (2) to assist destination marketing organizations in paying costs for marketing activities.

(b) (i) The Department of Finance and Administration shall determine, in conjunction with the destination marketing organizations, the allocations of monies provided under paragraph (a)(iii) of this subsection (2) as follows:

1. Not more than Nine Million Seven Hundred Forty-four Thousand Seven Hundred Eighty-eight Dollars

($9,744,788.00) of such monies shall be allocated to destination marketing organizations in a manner that will provide monies to a destination marketing organization in an amount equal to seventy-five percent (75%) of the destination marketing organization's marketing and advertising expenditures during the 2019 fiscal year, and

2. Not more than Three Million Seven Hundred Fifty-five Thousand Two Hundred Thirteen Dollars ($3,755,213.00) of such monies shall be allocated to destination marketing organizations based on the proportion that a destination marketing organization's contribution toward total tourism visitors in the state according to the 2019 Fiscal Year Visit Mississippi Visitors Profile Report bears to all destination marketing organizations' contributions toward total tourism visitors in the state according to the 2019 Fiscal Year Visit Mississippi Visitors Profile Report. However, a destination marketing organization shall not receive an amount less than Seventy-five Thousand Dollars ($75,000.00) under this item 2.

(ii) Within fifteen (15) days of enactment, the Department of Finance and Administration shall distribute the funds allocated under paragraph (b)(i) to eligible destination marketing organizations. Before receiving funds under this paragraph (b), a destination marketing organization must certify to the Department of Finance and Administration that:

1. The funds will only be used for marketing activities, and

2. The funds will be expended before December 30, 2020, unless otherwise authorized by federal law or guidance.

(iii) Destination marketing organizations receiving funds under this paragraph (b) shall keep and maintain records related to expenditures. Destination marketing organizations receiving funds under this paragraph (b) shall also track impacts of their marketing activities through special levy tax receipts, hotel occupancy indicators, other tourism industry metrics, and analytics from marketing campaigns, as appropriate. Such destination marketing organizations shall provide quarterly reports on expenditures and economic impacts of their marketing activities to the Department of Finance and Administration, the Governor, the Lieutenant Governor, the Speaker of the House of Representatives and the Department of Audit.

(iv) Subject to applicable purchasing laws, destination marketing organizations will give preference, when available and practical, to Mississippi-based companies for any new contracts entered into for marketing activities.

(3) The Department of Finance and Administration and the Department of Audit shall have all powers necessary for the implementation of this section.

(4) If the Office of Inspector General of the United States Department of the Treasury, or the Office of Inspector General of

any other federal agency having oversight over the use of monies from the Coronavirus Relief Fund established by the CARES Act (a) determines that the Department of Finance and Administration or recipient has expended or otherwise used any of the funds appropriated to the Department of Finance and Administration under this act for any purpose that is not in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, by the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the CARES Act, and (b) the State of Mississippi is required to repay the federal government for any of those funds that the Office of the Inspector General determined were expended or otherwise used improperly by the Department of Finance and Administration or recipient, then the Department of Finance and Administration or recipient, as the case may be, that expended or otherwise used those funds improperly shall be required to pay the amount of those funds to the State of Mississippi for repayment to the federal government.

SECTION 4. (1) There is hereby created in the State Treasury a special fund to be designated as the "Mississippi Nonprofit Museums Recovery Fund," which shall consist of funds made available by the Legislature in any manner and funds from any other source designated for deposit into such fund. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund shall be used by the Department of Finance and Administration, upon appropriation by the Legislature, for the purposes provided in this section. Monies in the fund shall be disbursed in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, by the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the Coronavirus Aid, Relief, and Economic Security Act. If on December 1, 2020, there are unexpended monies in the fund, those monies shall be transferred to the Unemployment Compensation Fund. Monies in the fund shall be disbursed by the Department of Finance and Administration to assist nonprofit museums in paying costs associated with cleaning, disinfection, social distancing measures and/or other health and safety measures necessary in order to reopen to the public due to the Coronavirus 2019. The Department of Finance and Administration shall take into consideration the attendance, annual revenue and operating expenses when allocating such monies under this section.

(2) The Department of Finance and Administration shall have all powers necessary for the implementation of this section.

SECTION 5. Section 57-1-64.1, Mississippi Code of 1972, is amended as follows:

57-1-64.1. (1) There is hereby created a Mississippi Tourism Association Marketing Advisory Board to assist the Mississippi Development Authority in the planning of initiatives for advertising and promoting tourism in Mississippi.

(2) The advisory board shall be composed of the following members:

(a) The Executive Director of the Mississippi Tourism Association; *** * ***

(b) The members of the Mississippi Tourism Association Board of Directors, composed through the bylaws of the Mississippi Tourism Association as being geographically and ethnically diverse members from the five (5) tourism regions designated as the Hills, the Delta, the Capital/River, the Pines and the Coastal regions of Mississippi, and three (3) at-large members *** * ***;

(c) Three (3) at-large members appointed by the Governor;

(d) One (1) at-large member appointed by the Lieutenant Governor; and

(e) One (1) at-large member appointed by the Speaker of the House of Representatives.

(3) Members of the advisory board may not be compensated for the performance of their duties.

(4) The advisory board will give input and advice to the Mississippi Development Authority's Tourism Division on marketing and advertising planning, but shall have no executive powers at the Mississippi Development Authority.

(5) For marketing activities paid for with federal funds related to the COVID-19 public health emergency and carried out by either the Mississippi Development Authority's Tourism Division or destination marketing organizations, the advisory board will give input on appropriate branding and messaging that communicates pertinent public health information. The advisory board shall convene for the purposes of this subsection within fifteen (15) calendar days of enactment.

SECTION 6. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2020 Regular Session

House Bill 1793

Description: "Postsecondary Education COVID-19 Mitigation Relief Program"; create to provide reimbursements to postsecondary educational institutions for related expenses.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: None
Revenue: No
Vote type required: Majority
Effective date: Passage
Suspension measure: HC 69

History of Actions:

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 1  06/27   Suspend from Deadlines by HC 69
 2  06/27   (H) Referred To Rules
 3  06/27   (H) Title Suff Do Pass
 4  06/28   (H) Passed {Vote}
 5  06/28   (H) Immediate Release
 6  06/28   (H) Transmitted To Senate
 7  06/29   (S) Referred To Universities and Colleges
 8  06/30   (S) Title Suff Do Pass As Amended
 9  06/30   (S) Amended
10  06/30   (S) Passed As Amended {Vote}
11  06/30   (S) Immediate Release
12  06/30   (S) Returned For Concurrence
13  06/30   (H) Concurred in Amend From Senate {Vote}
14  07/02   (S) Enrolled Bill Signed
15  07/02   (H) Enrolled Bill Signed
16  07/08   Law W/out Governor's Signature
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Amendments:
[S] Committee Amendment No 1 ***Adopted*** Voice Vote

----- Additional Information -----

House Committee: Rules
Senate Committee: Universities and Colleges

Principal Author: Scoggin
Additional Authors: Faulkner

Title: AN ACT TO CREATE THE "POSTSECONDARY EDUCATION COVID-19 MITIGATION RELIEF PROGRAM ACT," TO BE ADMINISTERED BY THE

DEPARTMENT OF FINANCE AND ADMINISTRATION TO PROVIDE GRANTS AND REIMBURSEMENTS TO ELIGIBLE TWO-YEAR AND FOUR-YEAR, PUBLIC AND PRIVATE POSTSECONDARY EDUCATIONAL INSTITUTIONS LOCATED WITHIN THE STATE OF MISSISSIPPI FOR COVID-19-RELATED ELIGIBLE EXPENSES; TO DEFINE TERMS; TO PRESCRIBE ELIGIBILITY REQUIREMENTS FOR A POSTSECONDARY EDUCATIONAL INSTITUTION'S PARTICIPATION IN THE GRANT PROGRAM; TO REQUIRE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO DEVELOP REGULATIONS, PROCEDURES AND APPLICATION FORMS TO GOVERN THE ADMINISTRATION OF THE PROGRAM, AND ESTABLISH THE MINIMUM REQUIREMENTS TO BE INCLUDED IN THE APPLICATION FOR CONSIDERATION FOR GRANT FUNDS, INCLUDING DEMONSTRATION OF NEED, INTENT FOR USE OF GRANT FUNDS RECEIVED, AN ITEMIZED EXPENSE REPORT OF REIMBURSABLE ELIGIBLE EXPENSES; TO PARTICIPATING POSTSECONDARY EDUCATIONAL INSTITUTIONS TO MAKE APPLICATION FOR A GRANT TO THE BOARD; TO PROVIDE THAT THE APPLICATION MUST BE ACCOMPANIED WITH VERIFIED DOCUMENTATION AND SIGNED UNDER PENALTY OF PERJURY; TO PROVIDE THAT THE USE OF GRANTS SHALL SUBJECT THE RECEIVING POSTSECONDARY EDUCATIONAL INSTITUTION TO AUDIT BY THE UNITED STATES DEPARTMENT OF THE TREASURY'S OFFICE OF INSPECTOR GENERAL AND THE MISSISSIPPI OFFICE OF THE STATE AUDITOR; TO REQUIRE POSTSECONDARY EDUCATIONAL INSTITUTIONS FOUND TO BE FULLY OR PARTIALLY NONCOMPLIANT WITH GRANT REQUIREMENTS TO RETURN TO THE STATE ALL OR A PORTION OF THE GRANT MONIES RECEIVED AND USED FOR UNALLOWABLE EXPENDITURES; TO PROVIDE THAT THE AGGREGATE AMOUNT OF GRANT FUNDS AWARDED TO ANY SINGLE POSTSECONDARY EDUCATIONAL INSTITUTION SHALL NOT EXCEED THE AMOUNT AUTHORIZED FOR THE INDIVIDUAL INSTITUTION UNDER THIS ACT; TO CREATE A SPECIAL FUND IN THE STATE TREASURY, TO BE KNOWN AS THE "POSTSECONDARY EDUCATION COVID-19 MITIGATION RELIEF GRANT FUND"; TO PROVIDE THAT IF ANY UNOBLIGATED MONIES REMAIN IN THE FUND, THE GOVERNOR SHALL HAVE THE DISCRETION TO TRANSFER MONIES TO ANOTHER STATE AGENCY TO BE USED FOR ELIGIBLE EXPENDITURES PURSUANT TO THE CARES ACT; TO REQUIRE THE STATE FISCAL OFFICER TO TRANSFER A SET AMOUNT OF FUNDS FROM THE BUDGET CONTINGENCY FUND TO THE "POSTSECONDARY EDUCATION COVID-19 MITIGATION RELIEF GRANT FUND,"; TO CREATE THE "INDEPENDENT SCHOOLS' COVID-19 ASSISTANCE GRANT PROGRAM ACT," TO BE ADMINISTERED BY THE MISSISSIPPI DEVELOPMENT AUTHORITY TO PROVIDE GRANTS AND REIMBURSEMENT TO ELIGIBLE INDEPENDENT SCHOOLS FOR COVID-19-RELATED ELIGIBLE EXPENSES; TO DEFINE TERMS; TO PRESCRIBE ELIGIBILITY REQUIREMENTS FOR INDEPENDENT SCHOOL PARTICIPATION IN THE GRANT PROGRAM; TO REQUIRE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO DEVELOP REGULATIONS AND PROCEDURES TO GOVERN THE ADMINISTRATION OF THE PROGRAM, AND ESTABLISH THE MINIMUM REQUIREMENTS TO BE INCLUDED IN THE APPLICATION FOR GRANT FUNDS, INCLUDING

DEMONSTRATION OF NEED, INTENT FOR USE OF GRANT FUNDS RECEIVED, AN ITEMIZED EXPENSE REPORT OF REIMBURSABLE ELIGIBLE EXPENSES; TO REQUIRE AN ELIGIBLE INDEPENDENT SCHOOL DESIRING TO PARTICIPATE IN THE PROGRAM TO MAKE APPLICATION FOR A GRANT TO THE MISSISSIPPI DEVELOPMENT AUTHORITY; TO PROVIDE THAT THE APPLICATION MUST BE ACCOMPANIED WITH VERIFIED DOCUMENTATION AND SIGNED UNDER PENALTY OF PERJURY; TO PROVIDE THAT USE OF GRANTS SHALL SUBJECT AN INDEPENDENT SCHOOL TO AUDIT BY THE UNITED STATES DEPARTMENT OF THE TREASURY'S OFFICE OF INSPECTOR GENERAL AND THE MISSISSIPPI OFFICE OF THE STATE AUDITOR; TO REQUIRE INDEPENDENT SCHOOLS FOUND TO BE FULLY OR PARTIALLY NONCOMPLIANT WITH GRANT REQUIREMENTS TO RETURN TO THE STATE ALL OR A PORTION OF THE GRANT MONIES RECEIVED AND USED FOR UNALLOWABLE EXPENDITURES; TO PROVIDE THAT THE AGGREGATE AMOUNT OF GRANT FUNDS AWARDED TO ANY SINGLE INDEPENDENT SCHOOL SHALL NOT EXCEED A CERTAIN SUM; TO STIPULATE THAT GRANTS FUNDS SHALL ONLY BE AWARDED IN THE AMOUNT INDICATED IN THE INDEPENDENT SCHOOL'S APPLICATION AS ITEMIZED ELIGIBLE EXPENSES, SUBJECT TO APPROVAL BY THE MISSISSIPPI DEVELOPMENT AUTHORITY; TO ALLOW INDEPENDENT SCHOOLS TO APPLY FOR GRANTS ON MULTIPLE OCCASIONS UNTIL SUCH TIME THAT THE INDEPENDENT SCHOOL HAS RECEIVED THE AGGREGATE AMOUNT OF FUNDS IT IS ELIGIBLE TO BE AWARDED; TO CREATE A SPECIAL FUND IN THE STATE TREASURY, TO BE KNOWN AS THE "INDEPENDENT SCHOOLS' COVID-19 ASSISTANCE GRANT FUND"; TO PROVIDE THAT IF ANY UNOBLIGATED MONIES REMAIN IN THE FUND, THE GOVERNOR SHALL HAVE THE DISCRETION TO TRANSFER MONIES TO ANOTHER STATE AGENCY TO BE USED FOR ELIGIBLE EXPENDITURES PURSUANT TO THE CARES ACT; TO REQUIRE THE STATE FISCAL OFFICER TO TRANSFER A SET AMOUNT OF FUNDS FROM THE BUDGET CONTINGENCY FUND TO THE "INDEPENDENT SCHOOLS' COVID-19 ASSISTANCE GRANT FUND"; TO PROVIDE THAT THE PROVISIONS OF THIS ACT ARE SEVERABLE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives Scoggin, Faulkner To: Rules

HOUSE BILL NO. 1793
(As Sent to Governor)

AN ACT TO CREATE THE "POSTSECONDARY EDUCATION COVID-19 MITIGATION RELIEF PROGRAM ACT," TO BE ADMINISTERED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO PROVIDE GRANTS AND REIMBURSEMENTS TO ELIGIBLE TWO-YEAR AND FOUR-YEAR, PUBLIC AND PRIVATE POSTSECONDARY EDUCATIONAL INSTITUTIONS LOCATED WITHIN THE STATE OF MISSISSIPPI FOR COVID-19-RELATED ELIGIBLE EXPENSES; TO DEFINE TERMS; TO PRESCRIBE ELIGIBILITY REQUIREMENTS FOR A POSTSECONDARY EDUCATIONAL INSTITUTION'S PARTICIPATION IN THE GRANT PROGRAM; TO REQUIRE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO DEVELOP REGULATIONS, PROCEDURES AND APPLICATION FORMS TO GOVERN THE ADMINISTRATION OF THE PROGRAM, AND ESTABLISH THE MINIMUM REQUIREMENTS TO BE INCLUDED IN THE APPLICATION FOR CONSIDERATION FOR GRANT FUNDS, INCLUDING DEMONSTRATION OF NEED, INTENT FOR USE OF GRANT FUNDS RECEIVED, AN ITEMIZED EXPENSE REPORT OF REIMBURSABLE ELIGIBLE EXPENSES; TO PARTICIPATING POSTSECONDARY EDUCATIONAL INSTITUTIONS TO MAKE APPLICATION FOR A GRANT TO THE BOARD; TO PROVIDE THAT THE APPLICATION MUST BE ACCOMPANIED WITH VERIFIED DOCUMENTATION AND SIGNED UNDER PENALTY OF PERJURY; TO PROVIDE THAT THE USE OF GRANTS SHALL SUBJECT THE RECEIVING POSTSECONDARY EDUCATIONAL INSTITUTION TO AUDIT BY THE UNITED STATES DEPARTMENT OF THE TREASURY'S OFFICE OF INSPECTOR GENERAL AND THE MISSISSIPPI OFFICE OF THE STATE AUDITOR; TO REQUIRE POSTSECONDARY EDUCATIONAL INSTITUTIONS FOUND TO BE FULLY OR PARTIALLY NONCOMPLIANT WITH GRANT REQUIREMENTS TO RETURN TO THE STATE ALL OR A PORTION OF THE GRANT MONIES RECEIVED AND USED FOR UNALLOWABLE EXPENDITURES; TO PROVIDE THAT THE AGGREGATE AMOUNT OF GRANT FUNDS AWARDED TO ANY SINGLE POSTSECONDARY EDUCATIONAL INSTITUTION SHALL NOT EXCEED THE AMOUNT AUTHORIZED FOR THE INDIVIDUAL INSTITUTION UNDER THIS ACT; TO CREATE A SPECIAL FUND IN THE STATE TREASURY, TO BE KNOWN AS THE "POSTSECONDARY EDUCATION COVID-19 MITIGATION RELIEF GRANT FUND"; TO PROVIDE THAT IF ANY UNOBLIGATED MONIES REMAIN IN THE FUND, THE GOVERNOR SHALL HAVE THE DISCRETION TO TRANSFER MONIES TO ANOTHER STATE AGENCY TO BE USED FOR ELIGIBLE EXPENDITURES PURSUANT TO THE CARES ACT; TO REQUIRE

THE STATE FISCAL OFFICER TO TRANSFER A SET AMOUNT OF FUNDS FROM THE BUDGET CONTINGENCY FUND TO THE "POSTSECONDARY EDUCATION COVID-19 MITIGATION RELIEF GRANT FUND,"; TO CREATE THE "INDEPENDENT SCHOOLS' COVID-19 ASSISTANCE GRANT PROGRAM ACT," TO BE ADMINISTERED BY THE MISSISSIPPI DEVELOPMENT AUTHORITY TO PROVIDE GRANTS AND REIMBURSEMENT TO ELIGIBLE INDEPENDENT SCHOOLS FOR COVID-19-RELATED ELIGIBLE EXPENSES; TO DEFINE TERMS; TO PRESCRIBE ELIGIBILITY REQUIREMENTS FOR INDEPENDENT SCHOOL PARTICIPATION IN THE GRANT PROGRAM; TO REQUIRE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO DEVELOP REGULATIONS AND PROCEDURES TO GOVERN THE ADMINISTRATION OF THE PROGRAM, AND ESTABLISH THE MINIMUM REQUIREMENTS TO BE INCLUDED IN THE APPLICATION FOR GRANT FUNDS, INCLUDING DEMONSTRATION OF NEED, INTENT FOR USE OF GRANT FUNDS RECEIVED, AN ITEMIZED EXPENSE REPORT OF REIMBURSABLE ELIGIBLE EXPENSES; TO REQUIRE AN ELIGIBLE INDEPENDENT SCHOOL DESIRING TO PARTICIPATE IN THE PROGRAM TO MAKE APPLICATION FOR A GRANT TO THE MISSISSIPPI DEVELOPMENT AUTHORITY; TO PROVIDE THAT THE APPLICATION MUST BE ACCOMPANIED WITH VERIFIED DOCUMENTATION AND SIGNED UNDER PENALTY OF PERJURY; TO PROVIDE THAT USE OF GRANTS SHALL SUBJECT AN INDEPENDENT SCHOOL TO AUDIT BY THE UNITED STATES DEPARTMENT OF THE TREASURY'S OFFICE OF INSPECTOR GENERAL AND THE MISSISSIPPI OFFICE OF THE STATE AUDITOR; TO REQUIRE INDEPENDENT SCHOOLS FOUND TO BE FULLY OR PARTIALLY NONCOMPLIANT WITH GRANT REQUIREMENTS TO RETURN TO THE STATE ALL OR A PORTION OF THE GRANT MONIES RECEIVED AND USED FOR UNALLOWABLE EXPENDITURES; TO PROVIDE THAT THE AGGREGATE AMOUNT OF GRANT FUNDS AWARDED TO ANY SINGLE INDEPENDENT SCHOOL SHALL NOT EXCEED A CERTAIN SUM; TO STIPULATE THAT GRANTS FUNDS SHALL ONLY BE AWARDED IN THE AMOUNT INDICATED IN THE INDEPENDENT SCHOOL'S APPLICATION AS ITEMIZED ELIGIBLE EXPENSES, SUBJECT TO APPROVAL BY THE MISSISSIPPI DEVELOPMENT AUTHORITY; TO ALLOW INDEPENDENT SCHOOLS TO APPLY FOR GRANTS ON MULTIPLE OCCASIONS UNTIL SUCH TIME THAT THE INDEPENDENT SCHOOL HAS RECEIVED THE AGGREGATE AMOUNT OF FUNDS IT IS ELIGIBLE TO BE AWARDED; TO CREATE A SPECIAL FUND IN THE STATE TREASURY, TO BE KNOWN AS THE "INDEPENDENT SCHOOLS' COVID-19 ASSISTANCE GRANT FUND"; TO PROVIDE THAT IF ANY UNOBLIGATED MONIES REMAIN IN THE FUND, THE GOVERNOR SHALL HAVE THE DISCRETION TO TRANSFER MONIES TO ANOTHER STATE AGENCY TO BE USED FOR ELIGIBLE EXPENDITURES PURSUANT TO THE CARES ACT; TO REQUIRE THE STATE FISCAL OFFICER TO TRANSFER A SET AMOUNT OF FUNDS FROM THE BUDGET CONTINGENCY FUND TO THE "INDEPENDENT SCHOOLS' COVID-19 ASSISTANCE GRANT FUND"; TO PROVIDE THAT THE PROVISIONS OF THIS ACT ARE SEVERABLE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Sections 1 through 6 of this act shall be known, and may be cited as the "Postsecondary Education COVID-19 Mitigation Relief Program Act."

SECTION 2. As used in Sections 1 through 6 of this act, the following terms shall have the meanings ascribed unless the context otherwise requires:

(a) "Department" means the Department of Finance and Administration.

(b) "COVID-19" means the Coronavirus Disease 2019.

(c) "CARES Act" means the Coronavirus Aid, Relief, and Economic Security Act.

(d) "Eligible postsecondary educational institution" means:

(i) Any state-supported four-year college or university operating within the State of Mississippi under the governing authority of the Board of Trustees of State Institutions of Higher Learning;

(ii) Any private four-year college or university operating within the State of Mississippi and accredited by a state, regional or national accrediting organization; and

(iii) Any state-supported two-year community college operating within the State of Mississippi under the governing authority of the Mississippi Community College Board and a local community college district board of trustees.

(e) "Interruption in learning" means disruption of regular educational instruction at a postsecondary educational institution facility resulting from required or voluntary closure related to COVID-19.

(f) "Public health measure" means any action reasonably taken to prevent the spread of COVID-19 in the educational setting.

(g) "Eligible expense" means a cost incurred by a postsecondary educational institution for public health measures or due to interruption in learning from March 1, 2020, through December 30, 2020. Such eligible expenses may consist of:

(i) Training and professional development for faculty and staff regarding measures to decrease the spread of COVID-19;

(ii) Purchasing facility sanitization supplies and other expenses of disinfection of the recipient institution's facilities to mitigate or respond to COVID-19;

(iii) Technology costs associated with transition to and administration of online learning;

(iv) Payroll expenses for public health and public safety employees employed by the recipient institution, and payroll expenses for health care, human services and similar employees of the institution whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency;

(v) Purchasing of medical supplies and personal protection equipment (PPE);

(vi) Developing infrastructure necessary at the community or junior colleges to increase capacity in workforce development or skills training classes for students who are unemployed, underemployed or seeking new employment as a direct or indirect result of COVID-19; or

(vii) Medical expenses incurred by the recipient institution to treat or diagnose COVID-19, including COVID-19 testing and serological testing, emergency medical response and transportation, and telemedicine expenses related to COVID-19.

No cost will be considered an eligible expense if found to be ineligible under the guidelines, guidance, rules, regulations and/or other criteria, as may be amended or supplemented from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the CARES Act.

(h) "Grant" means an award by the department to a postsecondary educational institution to cover eligible expenses in accordance with this act.

(i) "Program" means the Postsecondary Education COVID-19 Mitigation Relief Program established in Sections 1 through 6 of this act.

SECTION 3. (1) There is established the Postsecondary Education COVID-19 Mitigation Relief Program for public and private postsecondary educational institutions to be administered by the department, which shall set the dates and deadlines for applying for an award under this section. The program is established for the purpose of providing reimbursement to eligible postsecondary educational institutions for unreimbursed expenses directly related to COVID-19. The department shall establish such rules and regulations as it deems necessary and proper to carry out the purposes and intent of this section.

(2) The department shall approve applications for reimbursement from each eligible postsecondary educational institution. For each eligible postsecondary educational institution, the department shall only award funds equivalent to the lesser of the total of itemized eligible COVID-19-related expenses or the maximum allowable for each institution based on the total number of students enrolled during the 2019-2020 scholastic year, who were actively enrolled as a part-time or full-time student on March 1, 2020, as determined by the student allocation formulas specified in subsections (3) and (4) of this section. To qualify for reimbursement, each postsecondary educational institution's application for reimbursement must, in addition to specifying the amount of reimbursement requested, also include an itemized expense report that evidences the eligible expenses incurred by the eligible postsecondary educational institution.

(3) (a) Each four-year postsecondary educational institution shall be eligible to be reimbursed at an amount equivalent to Five Hundred Sixty-eight Dollars ($568.00) per student actively enrolled as a part-time or full-time student on March 1, 2020. Each four-year postsecondary educational

institution's reimbursement shall be determined upon the submission of the itemized expense report, required under subsection (2) of this section. Failure of a four-year postsecondary educational institution to submit the itemized expense report will subject the institution to forfeiture of any allotted funds designated for the specific institution's eligible maximum reimbursement amount.

(b) Upon a showing of itemized eligible COVID-19-related expenses, the eligible maximum reimbursement amount allowed for each four-year postsecondary educational institution, as determined by the student allocation formula prescribed in paragraph (a) of this subsection, shall be as follows:

(i) Alcorn State University	$ 1,854,520.00
(ii) Delta State University	$ 1,946,536.00
(iii) Jackson State University	$ 3,603,960.00
(iv) Mississippi State University	$ 11,704,776.00
(v) Mississippi University for Women	$ 1,523,944.00
(vi) Mississippi Valley State University	$ 1,147,928.00

(vii) University of Mississippi .... $ 11,981,392.00

(viii) University of Southern Mississippi .... $ 7,320,384.00

(ix) Belhaven University .... $ 2,272,000.00

(x) Blue Mountain College .... $ 340,800.00

(xi) Millsaps College .... $ 433,952.00

(xii) Mississippi College .... $ 2,465,688.00

(xiii) Rust College .... $ 364,088.00

(xiv) Tougaloo College .... $ 397,600.00

(xv) William Carey University .... $ 2,433,312.00.

(c) The department shall directly allocate to the Board of Trustees of State Institutions of Higher Learning the amount of One Hundred and Thirty Thousand Dollars ($130,000.00) to be used for COVID-19-related expenses.

(d) The total allocating authority provided to the Department of Finance and Administration under the provisions of this subsection (3) shall not exceed Fifty Million Dollars ($50,000,000.00).

(4) (a) Each two-year postsecondary educational institution, upon a showing of itemized eligible COVID-19-related expenses, shall be eligible to be awarded funds equivalent to the lesser of the total of its itemized eligible expenses or the base amount of Three Hundred Fifty-one Thousand Five Hundred Fifty Dollars and Seventy-one Cents ($351,550.71) available to each respective institution, as determined by calculating the total amount of unreimbursed expenses incurred by all two-year postsecondary educational institutions multiplied by the full-time equivalent (FTE) rate of fifteen percent (15%), and divided by the total number of two-year postsecondary educational institutions based on a thirty-seven percent (37%) reduction. The total of the base amount actually awarded to each institution under this paragraph (a) shall be deducted from the eligible maximum reimbursement amount allowed for each institution under paragraph (c) of this subsection.

(b) The remaining eighty-five percent (85%) of the unreimbursed expenses incurred by all two-year postsecondary educational institutions shall then be divided by the total number of FTE students enrolled in all two-year postsecondary educational institutions to be reimbursed at an amount equivalent to Five Hundred Forty-five Dollars and Forty-two Cents ($545.42) per FTE student at each respective two-year postsecondary educational institution as of March 1, 2020, based on a thirty-seven percent (37%) reduction. Each postsecondary educational institution's reimbursement shall be determined upon the submission of the itemized expense report, required under subsection (2) of this section. Failure of a postsecondary educational institution to submit the itemized expense report will subject the institution to forfeiture of any allotted funds designated for the specific institution's eligible maximum reimbursement amount.

(c) Upon a showing of itemized eligible COVID-19-related expenses, the eligible maximum reimbursement amount allowed for each institution, as determined by the student allocation formulas prescribed in paragraphs (a) and (b) of this subsection, shall be as follows:

(i) Coahoma Community College .... $ 1,104,018.54

(ii) Copiah-Lincoln Community College .... $ 1,641,377.19

(iii) East Central Community College .... $ 1,429,800.67

(iv) East Mississippi Community College .... $ 1,943,536.14

(v) Hinds Community College .... $ 4,900,064.29

(vi) Holmes Community College .... $ 2,908,719.58

(vii) Itawamba Community College ....$ 2,511,704.35

(viii) Jones County Junior College ....$ 2,359,313.34

(ix) Meridian Community College ....$ 1,697,113.29

(x) Mississippi Delta Community College ....$ 1,453,472.11

(xi) Mississippi Gulf Coast Community College ....$ 4,220,356.11

(xii) Northeast Mississippi Community College ....$ 1,866,958.52

(xiii) Northwest Mississippi Community College ....$ 3,372,657.14

(xiv) Pearl River Community College ....$ 2,497,523.94

(xv) Southwest Mississippi Community College ....$ 1,248,446.98.

(d) The department shall directly allocate:

(i) To the Mississippi Community College Board the amount of One Million Dollars ($1,000,000.00); and

(ii) To the individual two-year postsecondary educational institutions, based on full-time enrolled students for all COVID-19-related education expenses, including, but not limited to, PPE and hardened technology infrastructure, the amount of Thirteen Million Eight Hundred Forty-four Thousand Nine Hundred Thirty-seven Dollars and Eighty-one Cents ($13,844,937.81).

Funds allocated under this paragraph (d), at the discretion of the individual two-year postsecondary educational institutions, may be transferred to the Community College Board for consortium distance learning purchases. The Community College Board shall provide the department with the number of full-time enrolled students at the two-year postsecondary educational institutions. Funds allocated under this paragraph (d) shall be for all COVID-19-related education expenses, including, but not limited to, PPE and hardened technology infrastructure at all two-year postsecondary educational institutions.

(e) The total allocating authority provided to the department under the provisions of this subsection (4) shall not exceed Fifty Million Dollars ($50,000,000.00).

(5) The department may retain One Hundred Fifty Thousand Dollars ($150,000.00) for administrative expenses of the program.

(6) The total allocating authority provided to the department under the provisions of subsections (3) and (4) of this section shall not exceed One Hundred Million Dollars ($100,000,000.00).

(7) Unless otherwise provided in this act, the department shall develop regulations, procedures and application forms to govern the administration of the program, which at a minimum, shall require eligible postsecondary educational institutions to:

(a) Submit an application for a grant for reimbursement;

(b) Demonstrate the need and purpose of the grant funds received to mitigate the impact of COVID-19 on the operation of the school and its delivery of instruction; and

(c) Provide an itemized list of reimbursable-eligible expenses, as defined in Section 2 of this act, which the eligible postsecondary educational institution has previously incurred, is presently incurring or will incur in the future, as such expenses relate to mitigation of the impact of COVID-19.

(8) The department shall report on the utilization of the program to the Chairs of the Universities and Colleges Committees of the Senate and the House of Representatives, the Lieutenant Governor, the Speaker of the House and the Governor by October 1, 2020. At a minimum, the report shall contain:

(a) The name of each educational institution;

(b) The total amount of reimbursement requested by each educational institution; and

(c) The total amount of reimbursement received by each educational institution.

SECTION 4. (1) Any eligible postsecondary educational institution desiring to participate in the program shall make application for a grant to the department in a form satisfactory to the department. The application shall include verified documentation, signed under penalty of perjury.

(2) The department shall use the funds appropriated by the Legislature from the Budget Contingency Fund to make grants to eligible postsecondary educational institutions pursuant to applications submitted under subsection (1) of this section, to cover future COVID-19-eligible expenses or provide reimbursement for previously incurred COVID-19-eligible expenses.

(3) The use of grants shall be subject to audit by the United States Department of the Treasury's Office of Inspector General and the Mississippi Office of the State Auditor. An eligible postsecondary educational institution found to be fully or partially noncompliant with grant requirements shall return to the state all of the grant monies received and used for unallowable expenditures. Applicants shall confirm their understanding of these terms.

(4) The program shall be subject to the following terms and conditions:

(a) The aggregate amount of grant funds which may be awarded to any single postsecondary educational institution under the provisions of this act shall not exceed the dollar amount specified for such postsecondary educational institution authorized under subsections (3)(b) and (4)(b) of Section 3 of this act;

(b) Grant funds shall only be awarded in the amount indicated in the eligible postsecondary educational institution's application as itemized eligible expenses, subject to approval by the department; and

(c) An eligible postsecondary educational institution is not limited to submitting only one (1) application for grant funds, but may submit new applications for grant funds, following the guidelines required by the department, until such time that it has received the aggregate amount of funds for which it is eligible to be awarded.

SECTION 5. There is created a special fund in the State Treasury, to be known as the "Postsecondary Education COVID-19 Mitigation Relief Grant Fund," from which the grants authorized by this act shall be disbursed by the department. All monies shall be disbursed from the fund in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the CARES Act. If on November 30, 2020, there are unobligated monies in the fund, the Governor shall have the discretion to transfer monies to another state agency to be used for eligible expenditures pursuant to the CARES Act.

SECTION 6. Upon the effective date of this act, the State Fiscal Officer shall transfer funds from the Budget Contingency Fund to the "Postsecondary Education COVID-19 Mitigation Relief Grant Fund," the amount of One Hundred Million Dollars

($100,000,000.00) for the implementation and administration of the Postsecondary Education COVID-19 Mitigation Relief Program Act.

SECTION 7. Sections 7 through 12 of this act shall be known, and may be cited as the "Independent Schools' COVID-19 Assistance Grant Program Act."

SECTION 8. As used in Sections 7 through 12 of this act, the following terms shall have the meanings ascribed unless the context otherwise requires:

(a) "COVID-19" means the Coronavirus Disease 2019.

(b) "CARES Act" means the Coronavirus Aid, Relief, and Economic Security Act.

(c) "Eligible independent school" means any private or nonpublic school operating within the State of Mississippi that:

(i) Is a member of the Midsouth Association of Independent Schools (MAIS) and located in the State of Mississippi; or

(ii) Is accredited by a state, regional or national accrediting organization; and

(iii) Is not subject to the purview of authority of the State Board of Education.

"Eligible independent school" includes independent universities that are accredited by a state, regional or national accrediting organization and are not subject to the purview of authority of the State Institutions of Higher Learning.

(d) "Interruption in learning" means disruption of regular educational instruction in a school facility resulting from required or voluntary closure related to COVID-19.

(e) "Public health measure" means any action reasonably taken to prevent the spread of COVID-19 in the educational setting.

(f) "Eligible expense" means a cost incurred by an independent school for public health measures or due to interruption in learning from March 1, 2020 through December 30, 2020. Such eligible expenses may consist of:

(i) Training and professional development of local school staff regarding measures to decrease the spread of COVID-19 and familiarity with technology programs and devices to facilitate distance learning;

(ii) Purchasing facility sanitization supplies and other expenses of disinfection of the independent school's facilities to mitigate or respond to COVID-19;

(iii) Purchasing technology programs and equipment for the expansion of internet connectivity and broadband access within the school facility to be used by school administrators, faculty and staff to facilitate online distance learning;

(iv) Purchasing necessary equipment and accommodations and providing adequate services for students with disabilities;

(v) Purchasing medical supplies and personal protection equipment (PPE);

(vi) Developing infrastructure necessary at the community or junior colleges to increase capacity in workforce development or skills training classes for students who are unemployed, underemployed or seeking new employment as a direct or indirect result of COVID-19; or

(vii) Medical expenses incurred by the independent school to treat or dispense COVID-19, including COVID-19 testing and serological testing, emergency medical response and transportation, and telemedicine expenses related to COVID-19.

No cost will be considered an eligible expense if found to be ineligible under the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the CARES Act.

(g) "MDA" means the Mississippi Development Authority.

(h) "Grant" means an award by the MDA to an independent school to cover eligible expenses in accordance with Sections 8 through 13 of this act.

(i) "Program" means the Independent Schools' COVID-19 Assistance Grant Program established in Sections 7 through 12 of this act.

SECTION 9. (1) The Independent Schools' COVID-19 Assistance Grant Program is established, to be administered by the MDA, for the purpose of making grants to eligible independent schools to provide reimbursements for eligible expenses, as defined in Section 8 of this act.

(2) From the date of the beginning of the period for applications for grants under this section, the MDA shall consider and review applications from eligible independent schools that did not receive and have not been awarded reimbursement under any other federal program for the expenses that will be reimbursed by a grant under this section.

(3) The MDA shall develop regulations, procedures and application forms to govern the administration of the program, which at a minimum, shall require eligible independent schools to:

(a) Submit an application for a grant for reimbursement;

(b) Demonstrate the need and purpose of the grant funds received to mitigate the impact of COVID-19 on the operation of the school and its delivery of instruction; and

(c) Provide an itemized list of reimbursable eligible expenses as defined in Section 8 of this act, which the independent school has previously incurred, is presently incurring or will incur before December 30, 2020, as such expenses relate to mitigation of the impact of COVID-19.

(4) The MDA may retain One Hundred Thousand Dollars ($100,000.00) for the administration of the program.

(5) The department shall report on the utilization of the program to the Chairs of the Universities and Colleges Committees of the Senate and the House of Representatives, the Lieutenant Governor, the Speaker of the House and the Governor by October 1, 2020. At a minimum, the report shall contain:

(a) The name of each eligible independent school;

(b) The total amount of reimbursement requested by each eligible independent school; and

(c) The total amount of reimbursement received by each eligible independent school.

SECTION 10. (1) Any eligible independent school desiring to participate in the program shall make application for a grant to the MDA in a form satisfactory to the MDA. The application shall include verified documentation, signed under penalty of perjury.

(2) The MDA shall use the funds appropriated by the Legislature from the Budget Contingency Fund to make grants to eligible independent schools pursuant to applications submitted under subsection (1) of this section, to cover future COVID-19-eligible expenses or provide reimbursement for previously incurred COVID-19-eligible expenses.

(3) The use of grants shall be subject to audit by the United States Department of the Treasury's Office of Inspector General and the Mississippi Office of the State Auditor. An

eligible independent school found to be fully or partially noncompliant with grant requirements shall return to the state all or a portion of the grant monies received and used for unallowable expenditures. Applicants shall confirm their understanding of these terms.

(4) The program shall be subject to the following terms and conditions:

(a) The eligible maximum amount of grant funds which may be awarded to any eligible independent school under the provisions of this act shall not exceed One Hundred Thousand Dollars ($100,000.00);

(b) Any grant funds awarded shall be the lesser of the amount indicated in the independent school's application as itemized eligible COVID-19-related expenses or the eligible maximum amount, subject to approval by the MDA; and

(c) An eligible independent school is not limited to submitting only one (1) application for grant funds, but may submit new applications for grant funds, following the guidelines required by the MDA, until such time that it has received the aggregate amount of funds for which it is eligible to be awarded.

SECTION 11. There is created a special fund in the State Treasury, to be known as the "Independent Schools' COVID-19 Assistance Grant Fund," from which the grants authorized by this act shall be disbursed by the MDA. All monies shall be disbursed from the fund in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the CARES Act. If on December 1, 2020, there are unobligated monies in the fund, those funds shall lapse into the Budget Contingency Fund, to be transferred, by the State Fiscal Officer, into the Unemployment Compensation Fund.

SECTION 12. Upon the effective date of this act, the State Fiscal Officer shall transfer funds from the Budget Contingency Fund to the "Independent Schools' COVID-19 Assistance Grant Fund," the amount of Ten Million Dollars ($10,000,000.00) for the implementation and administration of the Independent Schools' COVID-19 Assistance Grant Program Act.

SECTION 13. If any section, paragraph, sentence, clause, phrase, or any part of this act is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no matter affected thereby but shall remain in full force and effect.

SECTION 14. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2020 Regular Session

House Bill 1796

Description: State Flag; revise with a commission and require words "In God We Trust."

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: None
Revenue: No
Vote type required: Majority
Effective date: Passage
Suspension measure: HC 79

History of Actions:

1	06/28	Suspend from Deadlines by HC 79
2	06/28	(H) Referred To Rules
3	06/28	(H) Title Suff Do Pass
4	06/28	(H) Passed {Vote}
5	06/28	(H) Immediate Release
6	06/28	(H) Transmitted To Senate
7	06/28	(S) Referred To Rules
8	06/28	(S) Title Suff Do Pass
9	06/28	(S) Amendment Tabled
10	06/28	(S) Passed {Vote}
11	06/28	(S) Immediate Release
12	06/28	(S) Returned For Enrolling
13	06/28	(S) Enrolled Bill Signed
14	06/27	(H) Enrolled Bill Signed
15	06/30	Approved by Governor

Amendments:
[H] Amendment No 1Tabled
[S] Amendment No 1Tabled

Code Section: A 023-0015-0351, A 023-0015-0355, RP 003-0003-0016

----- Additional Information -----

House Committee: Rules
Senate Committee: Rules

Principal Author: Gunn
Additional Authors: White, Johnson, Anderson (110th), Karriem, Williams-Barnes, Hines, Banks, Paden, Brown (70th), Porter, Mickens, McCray, Foster, Summers, Burnett, Clark, Crudup, Evans (91st), Denton, Reynolds, Scott, Anthony, Gibbs (72nd),

2020 GENERAL LAWS OF MISSISSIPPI HB 1796

Holloway, Ford (73rd), Osborne, Rosebud, Bell (65th), Harness, Walker, Hudson, Taylor, McGee, Faulkner

Title: AN ACT TO ESTABLISH THE COMMISSION TO REDESIGN THE MISSISSIPPI STATE FLAG; TO PRESCRIBE THE MEMBERSHIP OF THE COMMISSION AND TO PROVIDE FOR ITS ORGANIZATION AND MEETINGS; TO PROVIDE THAT THE NEW DESIGN FOR THE MISSISSIPPI STATE FLAG RECOMMENDED BY THE COMMISSION SHALL NOT INCLUDE THE DESIGN OF THE CONFEDERATE BATTLE FLAG, BUT SHALL INCLUDE THE WORDS "IN GOD WE TRUST"; TO PROVIDE THAT THE COMMISSION SHALL MAKE ITS RECOMMENDATION FOR THE NEW DESIGN FOR THE MISSISSIPPI STATE FLAG BY SEPTEMBER 14, 2020; TO PROVIDE THAT THE NEW DESIGN FOR THE MISSISSIPPI STATE FLAG RECOMMENDED BY THE COMMISSION SHALL BE PLACED ON THE BALLOT IN A SPECIAL ELECTION TO BE HELD ON NOVEMBER 3, 2020; TO PROVIDE THAT IF A MAJORITY OF THE QUALIFIED ELECTORS VOTE FOR THE NEW DESIGN, THEN THE LEGISLATURE SHALL ENACT INTO LAW THE NEW DESIGN AS THE OFFICIAL MISSISSIPPI STATE FLAG; TO PROVIDE THAT IF A MAJORITY OF THE QUALIFIED ELECTORS VOTE AGAINST THE NEW DESIGN, THEN THE COMMISSION SHALL RECONVENE TO RECOMMEND ANOTHER NEW DESIGN FOR THE MISSISSIPPI STATE FLAG TO BE PRESENTED TO THE LEGISLATURE DURING THE 2021 REGULAR SESSION; TO REQUIRE THAT THE SPECIAL ELECTION BE ADMINISTERED BY MEANS OF BALLOTS CONTAINING A COLOR PICTURE OR DRAWING OF THE NEW DESIGN FOR THE MISSISSIPPI STATE FLAG; TO REQUIRE THE SECRETARY OF STATE TO PROVIDE THOSE BALLOTS TO THE ELECTION COMMISSIONERS OF EACH COUNTY; TO AMEND SECTIONS 23-15-351 AND 23-15-355, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; TO REPEAL SECTION 3-3-16, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE DESIGN FOR THE OFFICIAL FLAG OF THE STATE OF MISSISSIPPI; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives Gunn, White, Johnson, Anderson (110th), Karriem, Williams-Barnes, Hines, Banks, Paden, Brown (70th), Porter, Mickens, McCray, Foster, Summers, Burnett, Clark, Crudup, Evans (91st), Denton, Reynolds, Scott, Anthony, Gibbs (72nd), Holloway, Ford (73rd), Osborne, Rosebud, Bell (65th), Harness, Walker, Hudson, Taylor, McGee, Faulkner

To: Rules

HOUSE BILL NO. 1796

AN ACT TO ESTABLISH THE COMMISSION TO REDESIGN THE MISSISSIPPI STATE FLAG; TO PRESCRIBE THE MEMBERSHIP OF THE COMMISSION AND TO PROVIDE FOR ITS ORGANIZATION AND MEETINGS; TO PROVIDE THAT THE NEW DESIGN FOR THE MISSISSIPPI STATE FLAG RECOMMENDED BY THE COMMISSION SHALL NOT INCLUDE THE DESIGN OF THE CONFEDERATE BATTLE FLAG, BUT SHALL INCLUDE THE WORDS "IN GOD WE TRUST"; TO PROVIDE THAT THE COMMISSION SHALL MAKE ITS RECOMMENDATION FOR THE NEW DESIGN FOR THE MISSISSIPPI STATE FLAG BY SEPTEMBER 14, 2020; TO PROVIDE THAT THE NEW DESIGN FOR THE MISSISSIPPI STATE FLAG RECOMMENDED BY THE COMMISSION SHALL BE PLACED ON THE BALLOT IN A SPECIAL ELECTION TO BE HELD ON NOVEMBER 3, 2020; TO PROVIDE THAT IF A MAJORITY OF THE QUALIFIED ELECTORS VOTE FOR THE NEW DESIGN, THEN THE LEGISLATURE SHALL ENACT INTO LAW THE NEW DESIGN AS THE OFFICIAL MISSISSIPPI STATE FLAG; TO PROVIDE THAT IF A MAJORITY OF THE QUALIFIED ELECTORS VOTE AGAINST THE NEW DESIGN, THEN THE COMMISSION SHALL RECONVENE TO RECOMMEND ANOTHER NEW DESIGN FOR THE MISSISSIPPI STATE FLAG TO BE PRESENTED TO THE LEGISLATURE DURING THE 2021 REGULAR SESSION; TO REQUIRE THAT THE SPECIAL ELECTION BE ADMINISTERED BY MEANS OF BALLOTS CONTAINING A COLOR PICTURE OR DRAWING OF THE NEW DESIGN FOR THE MISSISSIPPI STATE FLAG; TO REQUIRE THE SECRETARY OF STATE TO PROVIDE THOSE BALLOTS TO THE ELECTION COMMISSIONERS OF EACH COUNTY; TO AMEND SECTIONS 23-15-351 AND 23-15-355, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; TO REPEAL SECTION 3-3-16, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE DESIGN FOR THE OFFICIAL FLAG OF THE STATE OF MISSISSIPPI; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) There is established the Commission to Redesign the Mississippi State Flag (commission) for the sole purpose of developing, designing and reporting to the Governor and the Legislature its recommendation for the new design for the official Mississippi State Flag not later than September 14, 2020. The new design for the Mississippi State Flag recommended by the commission shall be placed on the ballot in a statewide special election as provided for in Section 2 of this act. The new design for the Mississippi State Flag recommended by the commission shall not include the design of the Confederate Battle Flag, but shall include the words "In God We Trust." The commission is charged with a sensitive and responsible task that it shall conduct in an objective manner. The new design for the Mississippi State Flag shall honor the past while embracing the promise of the future.

(2) The Commission to Redesign the Mississippi State Flag shall consist of nine (9) members, to be appointed as follows:

(a) Three (3) members appointed by the Speaker of the House;

(b) Three (3) members appointed by the Lieutenant Governor;

(c) Three (3) members appointed by the Governor, to include:

(i) A representative from the Mississippi Economic Council;

(ii) A representative from the Mississippi Arts Commission;

(iii) A representative from the Board of Trustees of the Mississippi Department of Archives and History.

All appointments to the commission shall be made not later than July 15, 2020. The chair of the commission shall be chosen by majority vote of the members of the commission. The commission shall meet as soon as practicable after the appointments have been made upon the joint call of the Speaker and the Lieutenant Governor, and shall organize for business. A majority vote of the members of the commission shall be required for the adoption of any reports and recommendations. The Mississippi Department of Archives and History shall provide meeting space and clerical support for the operation of the commission.

(3) The commission shall have the following functions and duties:

(a) To hold regular public meetings when and where it sees fit;

(b) To receive written public comments in a manner and under the terms and conditions as it sees fit;

(c) To collect, examine and consider all information that it determines may be helpful in making a recommendation for the new design for the Mississippi State Flag;

(d) To consult with experts, representatives of organizations and associations, and others, as it sees fit, whose knowledge or expertise may assist the commission in making its recommendation;

(e) To make any inquiries and conduct any business that may assist the commission in developing the new design for the Mississippi State Flag; however, the new design for the Mississippi State Flag recommended by the commission shall not include the design of the Confederate Battle Flag, but shall include the words "In God We Trust";

(f) Keep minutes of its meetings, and make those minutes available to the public; and

(g) To make a written recommendation for the new design for the official Mississippi State Flag, which shall be presented to the Governor and the Legislature not later than September 14, 2020.

(4) Members of the commission shall receive no compensation for their service on the commission, but may receive reimbursement for mileage and actual expenses as provided in Section 25-3-41, to the extent that funds are available for that purpose.

SECTION 2. (1) There shall be a statewide special election for the purpose of determining whether the new design for the Mississippi State Flag recommended by the commission shall be the design for the official Mississippi State Flag. The special election shall be held on Tuesday, November 3, 2020, and shall be conducted in the same manner as general elections are held. The question put before the voters at the special election shall read on the ballots as follows:

"PLEASE VOTE 'YES' OR 'NO' ON WHETHER THE FOLLOWING DESIGN SHALL BE THE OFFICIAL MISSISSIPPI STATE FLAG

'YES':__________ 'NO':__________"

The qualified electors may indicate their preference on the line following the answer that they prefer.

If a majority of the qualified electors voting on the question in the special election vote "Yes," then the Legislature shall enact into law the new design as the official Mississippi State Flag during the next regular session of the Legislature after the election.

(2) If a majority of the qualified electors voting on the question in the special election vote "No," then the commission shall reconvene to perform the functions described in Section 1 of this act. The commission shall make its recommendation for another new design for the official Mississippi State Flag, which shall be presented to the Governor and the Legislature during the next regular session of the Legislature after the election. The new design for the Mississippi State Flag recommended by the commission shall be placed on the ballot in a statewide special election for the purpose of allowing the qualified electors to determine whether the new design recommended by the commission shall be the design for the official Mississippi State Flag. The special election shall be held on the first Tuesday after the first Monday in November of the year in which the commission presents its recommendation to the Legislature, and shall be

conducted in the same manner as general elections are held. The question on the ballot shall be the same question as provided in subsection (1) of this section, and the results of the election shall determine which of the procedures described in this section shall be followed in the future in determining the new design for the official Mississippi State Flag.

(3) The statewide special election for voting on the new design for the official Mississippi State Flag shall be administered by means of ballots containing a uniform representation of the new design for the Mississippi State Flag recommended by the commission, which shall be provided by the Secretary of State to the election commissioners of each county. The Secretary of State shall determine whether, in each county, it would be more efficient to administer the election by paper ballots, voting machines, electronic voting systems, optical mark reading equipment or other mechanized equipment. The method used in each county shall be as uniform as practicable when compared to any other county in which the same method is used. In any event, the Secretary of State shall include a color picture or drawing of the new design for the Mississippi State Flag on all ballots provided for in this section. The Secretary of State is authorized to enter into any necessary contracts for providing the required color picture or drawing of the new design for the Mississippi State Flag on all ballots in all counties of this state. The costs incurred in providing the ballots that are

required to include a color picture or drawing of the new design for the Mississippi State Flag shall be borne by the State of Mississippi, and the Legislature shall appropriate the funds necessary for this purpose. All other costs associated with the holding of the statewide special election shall be borne by each individual county.

(4) The county election commissioners shall transmit to the Secretary of State, in the same manner as the vote for state officers is transmitted, a statement of the total number of votes cast in the statewide special election for voting on the new design for the official Mississippi State Flag. The Secretary of State shall tabulate those returns and certify the results to the Governor and to each house of the Legislature.

SECTION 3. Section 23-15-351, Mississippi Code of 1972, is amended as follows:

23-15-351. It shall be the duty of the chair of the election commission of each county to have printed all necessary ballots for use in elections, except ballots in municipal elections which shall be printed as herein provided by the authorities of the respective municipalities; and the election commissioner shall cause the official ballot to be printed by a printer sworn to keep the ballots secret under the penalties prescribed by law. The printer shall deliver to the election commissioners for holding elections, a certificate of the number of ballots printed for each precinct, and shall not print any additional ballots, except on instruction of proper election commissioners; and failure to observe either of these requirements shall be a misdemeanor.

In the case of a statewide special election on the new design for the official Mississippi State Flag provided for in Section 2 of this act, the provisions of this article regarding the printing and distribution of the official ballots shall be governed by the provisions of Section 2(3) of this act.

SECTION 4. Section 23-15-355, Mississippi Code of 1972, is amended as follows:

23-15-355. Ballots in all elections shall be printed and distributed at public expense and shall be known as "official ballots." The expense of printing the ballots shall be paid out of the county treasury, except that in municipal elections such expenses shall be paid by the respective cities, towns and villages.

In the case of a statewide special election on the new design for the official Mississippi State Flag provided for in Section 2 of this act, the provisions of this section regarding payment of the expenses of printing the official ballots shall be governed by the provisions of Section 2(3) of this act.

SECTION 5. Section 3-3-16, Mississippi Code of 1972, which provides the design for the official flag of the State of Mississippi, is repealed.

SECTION 6. Upon the effective date of this act, the Department of Archives and History shall immediately develop a plan for the prompt, dignified and respectful removal of the former official Mississippi State Flag described in Section 3-3-16, Mississippi Code of 1972, and the removal of the flag shall take place not later than fifteen (15) days from the effective date of this act.

SECTION 7. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2020 Regular Session

House Bill 1805

Description: COVID-19 Funds; authorize the transfer of certain to the Unemployment Compensation Fund.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: None
Revenue: No
Vote type required: Majority
Effective date: Passage
Suspension measure: HC 69

History of Actions:

1	07/01	Suspend from Deadlines by HC 69
2	07/01	(H) Referred To Rules
3	07/01	(H) Title Suff Do Pass
4	07/01	(H) Passed {Vote}
5	07/01	(H) Immediate Release
6	07/01	(H) Transmitted To Senate
7	07/01	(S) Referred To Appropriations
8	07/01	(S) Title Suff Do Pass
9	07/01	(S) Passed {Vote}
10	07/01	(S) Immediate Release
11	07/01	(S) Returned For Enrolling
12	07/02	(S) Enrolled Bill Signed
13	07/02	(H) Enrolled Bill Signed
14	07/08	Approved by Governor

----- Additional Information -----

House Committee: Rules
Senate Committee: Appropriations

Principal Author: White

Title: AN ACT TO PROVIDE THAT IF ANY OF THE FUNDS APPROPRIATED FOR PURPOSES DUE TO THE COVID-19 PUBLIC HEALTH EMERGENCY HAVE NOT BEEN EXPENDED BY DECEMBER 28, 2020, OR HAVE BEEN DETERMINED TO BE INELIGIBLE TO BE EXPENDED, THEN THE STATE FISCAL OFFICER SHALL TRANSFER THOSE FUNDS INTO THE UNEMPLOYMENT COMPENSATION FUND BY DECEMBER 30, 2020; TO PROVIDE THAT THE PROVISIONS OF THIS ACT SHALL SUPERSEDE ANY CONFLICTING PROVISIONS IN CERTAIN

GENERAL BILLS RELATED TO THE COVID-19 PUBLIC HEALTH EMERGENCY; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representative White To: Rules

HOUSE BILL NO. 1805

AN ACT TO PROVIDE THAT IF ANY OF THE FUNDS APPROPRIATED FOR PURPOSES DUE TO THE COVID-19 PUBLIC HEALTH EMERGENCY HAVE NOT BEEN EXPENDED BY DECEMBER 28, 2020, OR HAVE BEEN DETERMINED TO BE INELIGIBLE TO BE EXPENDED, THEN THE STATE FISCAL OFFICER SHALL TRANSFER THOSE FUNDS INTO THE UNEMPLOYMENT COMPENSATION FUND BY DECEMBER 30, 2020; TO PROVIDE THAT THE PROVISIONS OF THIS ACT SHALL SUPERSEDE ANY CONFLICTING PROVISIONS IN CERTAIN GENERAL BILLS RELATED TO THE COVID-19 PUBLIC HEALTH EMERGENCY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) If any of the funds appropriated from the Budget Contingency Fund under House Bill Numbers 1728, 1749, 1750, 1751, 1752, 1782, 1789, 1795 and 1799 and Senate Bill Numbers 3011, 3012, 3013 and 3014, 2020 Regular Session, have not been expended by December 28, 2020, or if at any time the entity to which those funds were appropriated determines that any of those funds are ineligible to be spent by the entity, then the State Fiscal Officer shall transfer any unexpended funds remaining from those appropriations, or the funds determined to be ineligible, into the Unemployment Compensation Fund not later than December 30, 2020.

(2) If any of the funds appropriated from the DFA Cares Act COVID-19 Fund, Mississippi Tourism Recovery Fund, Mississippi Nonprofit Art Museums Recovery Fund, Equity in Distance Learning Fund, Postsecondary Education COVID-19 Mitigation Relief Grant Fund, Independent Schools' COVID-19 Assistance Grant Fund, Mississippi Pandemic Response Broadband Availability Grant Program Fund, Mississippi Emergency Management Agency COVID-19 Fund, Mississippi Electric Cooperatives Broadband COVID-19 Grant Program Fund or COVID-19 Broadband Provider Grant Program Fund under House Bill Numbers 1752, 1790, 1792, 1794, 1797, 1799 and 1800 and Senate Bill Number 3014, 2020 Regular Session, have not been expended by December 28, 2020, or if at any time the entity to which those funds were appropriated determines that any of those funds are ineligible to be spent by the entity, then the State Fiscal Officer shall transfer any unexpended funds remaining from those appropriations, or the funds determined to be ineligible, into the Unemployment Compensation Fund not later than December 30, 2020.

(3) The provisions of this section shall supersede the provisions of Section 2 of House Bill No. 1784, Section 8 of Senate Bill No. 3044, Section 3(3) of House Bill No. 1788, Section 3(2) and Section 4(1) of House Bill No. 1791, Sections 5 and 13 of House Bill No. 1793, Section 3 of Senate Bill No. 3046, Section 6(2) of Senate Bill No. 3047, 2020 Regular Session, to the extent of any conflict between those provisions and this section.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2020 Regular Session

Senate Bill 2564

Description: Office of Workforce Development; establish.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2020

History of Actions:

1	02/17	(S)	Referred To Economic and Workforce Development
2	03/02	(S)	Title Suff Do Pass Comm Sub
3	03/10	(S)	Committee Substitute Adopted
4	03/10	(S)	Amended
5	03/10	(S)	Passed As Amended {Vote}
6	03/13	(S)	Transmitted To House
7	03/25	(H)	Referred To Workforce Development
8	06/09	(H)	Title Suff Do Pass As Amended
9	06/16	(H)	Amended
10	06/16	(H)	Passed As Amended {Vote}
11	06/17	(H)	Returned For Concurrence
12	06/18	(S)	Decline to Concur/Invite Conf
13	06/23	(S)	Conferees Named Parker,England,Kirby
14	06/24	(H)	Conferees Named Bell (21st),White,Haney
15	06/25	(S)	Conference Report Filed
16	06/25	(H)	Conference Report Filed
17	06/26	(S)	Conference Report Adopted {Vote}
18	06/28	(H)	Conference Report Adopted {Vote}
19	06/29	(H)	Motion to Reconsider Entered (Bell (21st), Walker)
20	07/01	(H)	Motion to Reconsider Tabled
21	07/02	(S)	Enrolled Bill Signed
22	07/02	(H)	Enrolled Bill Signed
23	07/08		Approved by Governor

Amendments:
[S] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote
[H] Committee Amendment No 1 ***Adopted*** Voice Vote

Amendment Report for Senate Bill No. 2564
Conference Reports:
| Conference Report

Code Section: A 037-0153-0005, A 037-0153-0007, A 037-0153-0011, A 037-0153-0013, A 071-0005-0353, A 071-0005-0453

----- Additional Information -----

Senate Committee: Economic and Workforce Development
House Committee: Workforce Development

Principal Author: Parker
Additional Authors: DeBar, Blackwell, Jackson (11th), Frazier, Tate, Seymour, Suber, Witherspoon, Butler, Norwood, Branning

Title: AN ACT TO AMEND SECTION 37-153-5, MISSISSIPPI CODE OF 1972, TO DEFINE "OFFICE" AS THE MISSISSIPPI OFFICE OF WORKFORCE DEVELOPMENT; TO AMEND SECTION 37-153-7, MISSISSIPPI CODE OF 1972, TO CREATE THE OFFICE AND PROVIDE THAT THE MISSISSIPPI STATE WORKFORCE INVESTMENT BOARD SHALL SERVE AS THE ADVISORY BOARD FOR THE OFFICE; TO REVISE THE MEMBERSHIP AND DUTIES OF THE MISSISSIPPI STATE WORKFORCE INVESTMENT BOARD; TO REQUIRE EACH STATE AGENCY, DEPARTMENT AND INSTITUTION TO REPORT ANY MONIES RECEIVED FOR WORKFORCE TRAINING ACTIVITIES OR CAREER AND TECHNICAL EDUCATION AND AN ITEMIZATION OF HOW THOSE MONIES WERE SPENT TO THE MISSISSIPPI STATE WORKFORCE INVESTMENT BOARD; TO REQUIRE THE MISSISSIPPI STATE WORKFORCE INVESTMENT BOARD TO COMPILE THE DATA AND PROVIDE A REPORT OF THE MONIES AND EXPENDITURES TO THE CHAIRS OF THE HOUSE AND SENATE APPROPRIATIONS COMMITTEE, THE CHAIR OF THE HOUSE WORKFORCE DEVELOPMENT COMMITTEE AND THE CHAIR OF THE SENATE ECONOMIC AND WORKFORCE DEVELOPMENT COMMITTEE BY OCTOBER 1 OF EACH YEAR; TO REPLACE THE RULES COMMITTEE OF THE STATE WORKFORCE INVESTMENT BOARD WITH AN EXECUTIVE COMMITTEE, AND TO DETERMINE THE MEMBERSHIP AND DUTIES OF THE EXECUTIVE COMMITTEE; TO PROVIDE THAT THE EXECUTIVE COMMITTEE SHALL SELECT AN EXECUTIVE DIRECTOR OF THE OFFICE, AND TO ESTABLISH THE QUALIFICATIONS AND DUTIES OF THE EXECUTIVE DIRECTOR; TO PROVIDE THAT THE OFFICE SHALL COLLABORATE WITH THE MISSISSIPPI COMMUNITY COLLEGE BOARD IN ADMINISTERING AND OVERSEEING THE MISSISSIPPI WORKFORCE ENHANCEMENT TRAINING FUND AND MISSISSIPPI WORKS FUND; TO REQUIRE THE OFFICE TO FILE AN ANNUAL REPORT WITH THE GOVERNOR, SECRETARY OF STATE AND LEGISLATURE BY OCTOBER 1 OF EACH YEAR REGARDING ALL FUNDS APPROVED TO BE EXPENDED ON WORKFORCE TRAINING DURING THE PRIOR CALENDAR YEAR; TO AMEND SECTIONS 37-153-11, 37-153-13, 71-5-353 AND 71-5-453, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE ABOVE; TO AMEND SECTION 60, CHAPTER 572, LAWS OF 2004, AS LAST AMENDED BY SECTION

58, CHAPTER 451, LAWS OF 2019, WHICH IS THE REPEALER FOR THE CHAPTER, TO EXCLUDE THE SECTIONS OF THE CHAPTER CORRESPONDING TO SECTIONS 37-153-1 THROUGH 37-153-13; TO CREATE NEW SECTION 37-153-17, MISSISSIPPI CODE OF 1972, TO CODIFY THE REPEALER OF SECTIONS 37-153-1 THROUGH 37-153-13, AND TO ADD SECTION 37-153-15 AS SUBJECT TO THE REPEALER; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Parker, DeBar, Blackwell, Jackson (11th), Frazier, Tate, Seymour, Suber, Witherspoon, Butler, Norwood, Branning

To: Economic and Workforce Development

SENATE BILL NO. 2564
(As Sent to Governor)

AN ACT TO AMEND SECTION 37-153-5, MISSISSIPPI CODE OF 1972, TO DEFINE "OFFICE" AS THE MISSISSIPPI OFFICE OF WORKFORCE DEVELOPMENT; TO AMEND SECTION 37-153-7, MISSISSIPPI CODE OF 1972, TO CREATE THE OFFICE AND PROVIDE THAT THE MISSISSIPPI STATE WORKFORCE INVESTMENT BOARD SHALL SERVE AS THE ADVISORY BOARD FOR THE OFFICE; TO REVISE THE MEMBERSHIP AND DUTIES OF THE MISSISSIPPI STATE WORKFORCE INVESTMENT BOARD; TO REQUIRE EACH STATE AGENCY, DEPARTMENT AND INSTITUTION TO REPORT ANY MONIES RECEIVED FOR WORKFORCE TRAINING ACTIVITIES OR CAREER AND TECHNICAL EDUCATION AND AN ITEMIZATION OF HOW THOSE MONIES WERE SPENT TO THE MISSISSIPPI STATE WORKFORCE INVESTMENT BOARD; TO REQUIRE THE MISSISSIPPI STATE WORKFORCE INVESTMENT BOARD TO COMPILE THE DATA AND PROVIDE A REPORT OF THE MONIES AND EXPENDITURES TO THE CHAIRS OF THE HOUSE AND SENATE APPROPRIATIONS COMMITTEE, THE CHAIR OF THE HOUSE WORKFORCE DEVELOPMENT COMMITTEE AND THE CHAIR OF THE SENATE ECONOMIC AND WORKFORCE DEVELOPMENT COMMITTEE BY OCTOBER 1 OF EACH YEAR; TO REPLACE THE RULES COMMITTEE OF THE STATE WORKFORCE INVESTMENT BOARD WITH AN EXECUTIVE COMMITTEE, AND TO DETERMINE THE MEMBERSHIP AND DUTIES OF THE EXECUTIVE COMMITTEE; TO PROVIDE THAT THE EXECUTIVE COMMITTEE SHALL SELECT AN EXECUTIVE DIRECTOR OF THE OFFICE, AND TO ESTABLISH THE QUALIFICATIONS AND DUTIES OF THE EXECUTIVE DIRECTOR; TO PROVIDE THAT THE OFFICE SHALL COLLABORATE WITH THE MISSISSIPPI COMMUNITY COLLEGE BOARD IN ADMINISTERING AND OVERSEEING THE MISSISSIPPI WORKFORCE ENHANCEMENT TRAINING FUND AND MISSISSIPPI WORKS FUND; TO REQUIRE THE OFFICE TO FILE AN ANNUAL REPORT WITH THE GOVERNOR, SECRETARY OF STATE AND LEGISLATURE BY OCTOBER 1 OF EACH YEAR REGARDING ALL FUNDS APPROVED TO BE EXPENDED ON WORKFORCE TRAINING DURING THE PRIOR CALENDAR YEAR; TO AMEND SECTIONS 37-153-11, 37-153-13, 71-5-353 AND 71-5-453, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE ABOVE; TO AMEND SECTION 60, CHAPTER 572, LAWS OF 2004, AS LAST AMENDED BY SECTION 58, CHAPTER 451, LAWS OF 2019, WHICH IS THE REPEALER FOR THE CHAPTER, TO EXCLUDE THE SECTIONS OF THE CHAPTER CORRESPONDING TO SECTIONS 37-153-1 THROUGH 37-153-13; TO CREATE NEW SECTION 37-153-17, MISSISSIPPI CODE OF 1972, TO CODIFY THE REPEALER OF SECTIONS 37-153-1 THROUGH 37-153-13, AND TO ADD SECTION 37-153-15 AS SUBJECT TO THE REPEALER; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-153-5, Mississippi Code of 1972, is amended as follows:

37-153-5. For purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed in this section unless the context clearly indicates otherwise:

(a) "State board" or "board" means the Mississippi State Workforce Investment Board * * *.

(b) "District councils" means the Local Workforce Development Councils * * *.

(c) "Local workforce investment board" means the board that oversees the workforce development activities of local workforce areas under the federal Workforce Investment Act.

(d) "Office" means the Mississippi Office of Workforce Development, housed at the Department of Finance and Administration.

SECTION 2. Section 37-153-7, Mississippi Code of 1972, is amended as follows:

37-153-7. (1) There is created the Mississippi Office of Workforce Development and the Mississippi State Workforce Investment Board, which shall serve as the advisory board for the office. The Mississippi State Workforce Investment Board shall be composed of * * * thirty-one (31) voting members, of which a majority shall be representatives of business and industry in accordance with the federal Workforce * * * Innovation and Opportunity Act, or any successive acts.

(2) The members of the State Workforce Investment Board shall include:

(a) The Governor * * *, or his designee;

* * *

(b) Nineteen (19) members, appointed by the Governor, of whom:

(i) A majority shall be representatives of businesses in the state, who:

1. Are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority, and who, in addition, may be members of a local board described in Section 3122(b)(2)(A)(i) of the federal Workforce Innovation and Opportunity Act. At least two (2) of the members appointed under this item 1. shall be small business owners, chief executives or operating officers of businesses with less than fifty (50) employees;

2. Represent businesses, including small businesses, or organizations representing businesses, which provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in high-demand industry sectors or occupations in the state; and

3. Are appointed from among individuals nominated by state business organizations and business trade associations;

(ii) Not less than twenty percent (20%) shall consist of representatives of the workforce within the state, which:

1. Includes labor organization representatives who have been nominated by state labor federations;

2. Includes a labor organization member or training director from an apprenticeship program in the state, which shall be a joint labor-management apprenticeship program if such a program exists in the state;

3. May include representatives of community-based organizations, including organizations serving veterans or providing or supporting competitive, integrated employment for individuals with disabilities, who have demonstrated experience and expertise in addressing employment, training or education needs of individuals with barriers to employment; and

4. May include representatives of organizations, including organizations serving out-of-school youth, who have demonstrated experience or expertise in addressing the employment, training or education needs of eligible youth;

(iii) The balance shall include government representatives, including the lead state officials with primary responsibility for core programs, and chief elected officials (collectively representing both cities and counties, where appropriate);

(c) Two (2) representatives of businesses in the state appointed by the Lieutenant Governor;

(d) Two (2) representatives of businesses in the state appointed by the Governor from a list of three (3) recommendations from the Speaker of the House; and

(* * *e) The following state officials * * *:

(i) The Executive Director of the Mississippi Department of Employment Security;

(ii) The Executive Director of the Department of Rehabilitation Services;

(iii) The State Superintendent of Public Education;

(iv) The Executive Director of the Mississippi Development Authority;

* * *

(* * *v) The Executive Director of the Mississippi Community College Board; * * *

(vi) The President of the Community College Association; and

(vii) The Commissioner of the Institutions of Higher Learning.

* * *

(f) One (1) senator, appointed by the Lieutenant Governor, and one (1) representative, appointed by the Speaker of the House, shall serve on the state board in a nonvoting capacity.

(g) The Governor may appoint additional members if required by the federal Workforce Innovation and Opportunity Act, or any successive acts.

(h) Members of the board shall serve a term of four (4) years, and shall not serve more than three (3) consecutive terms.

(* * *i) The membership of the board shall reflect the diversity of the State of Mississippi.

(* * *j) The Governor shall designate the Chairman of the Mississippi State Workforce Investment Board from among the business and industry voting members of the board, and a quorum of the board shall consist of a majority of the voting members of the board.

(* * *k) The voting members of the board who are not state employees shall be entitled to reimbursement of their reasonable expenses * * * in the manner and amount specified in Section 25-3-41 and shall be entitled to receive per diem compensation as authorized in Section 25-3-69.

(3) Members of the state board may be recalled by their appointing authority for cause, including a felony conviction,

fraudulent or dishonest acts or gross abuse of discretion, failure to meet board member qualifications, or chronic failure to attend board meetings.

(* * *4) The Mississippi Department of Employment Security shall establish limits on administrative costs for each portion of Mississippi's workforce development system consistent with the federal Workforce Investment Act or any future federal workforce legislation.

(* * *5) The Mississippi State Workforce Investment Board shall have the following duties. These duties are intended to be consistent with the scope of duties provided in the federal Workforce Innovation and Opportunity Act, amendments and successor legislation to this act, and other relevant federal law:

(a) Through the office, develop and submit to the Governor, Lieutenant Governor and Speaker of the House a strategic plan for an integrated state workforce development system that aligns resources and structures the system to more effectively and efficiently meet the demands of Mississippi's employers and job seekers. This plan will comply with the federal Workforce Investment Act of 1998, as amended, the federal Workforce Innovation and Opportunity Act of 2014 and amendments and successor legislation to these acts;

(b) Assist the Governor, Lieutenant Governor and Speaker of the House in the development and continuous improvement of the statewide workforce investment system that shall include:

(i) Development of linkages in order to assure coordination and nonduplication among programs and activities; and

(ii) Review local workforce development plans that reflect the use of funds from the federal Workforce Investment Act, Workforce Innovation and Opportunity Act, the Wagner-Peyser Act and the amendment or successor legislation to the acts, and the Mississippi Comprehensive Workforce Training and Education Consolidation Act;

(c) Recommend to the office the designation of local workforce investment areas as required in Section 116 of the federal Workforce Investment Act of 1998 and the Workforce Innovation and Opportunity Act of 2014. There shall be four (4) workforce investment areas that are generally aligned with the planning and development district structure in Mississippi. Planning and development districts will serve as the fiscal agents to manage Workforce Investment Act funds, oversee and support the local workforce investment boards aligned with the area and the local programs and activities as delivered by the one-stop employment and training system. The planning and development districts will perform this function through the provisions of the county cooperative service districts created under Sections 19-3-101 through 19-3-115; however, planning and development districts currently performing this function under the Interlocal Cooperation Act of 1974, Sections 17-13-1 through 17-13-17, may continue to do so;

(d) Assist the Governor in the development of an allocation formula for the distribution of funds for adult employment and training activities and youth activities to local workforce investment areas;

(e) Recommend comprehensive, results-oriented measures that shall be applied to all of Mississippi's workforce development system programs;

(f) Assist the Governor in the establishment and management of a one-stop employment and training system conforming to the requirements of the federal Workforce Investment Act of 1998 and the Workforce Innovation and Opportunity Act of 2014, as amended, recommending policy for implementing the Governor's approved plan for employment and training activities and services within the state. In developing this one-stop career operating system, the Mississippi State Workforce Investment Board, in conjunction with local workforce investment boards, shall:

(i) Design broad guidelines for the delivery of workforce development programs;

(ii) Identify all existing delivery agencies and other resources;

(iii) Define appropriate roles of the various agencies to include an analysis of service providers' strengths and weaknesses;

(iv) Determine the best way to utilize the various agencies to deliver services to recipients; and

(v) Develop a financial plan to support the delivery system that shall, at a minimum, include an accountability system;

* * *

(* * *g) To provide authority, in accordance with any executive order of the Governor, for developing the necessary collaboration among state agencies at the highest level for accomplishing the purposes of this chapter;

(* * *h) To monitor the effectiveness of the workforce development centers and WIN job centers;

(* * *i) To advise the Governor, public schools, community/junior colleges and institutions of higher learning on effective school-to-work transition policies and programs that link students moving from high school to higher education and students moving between community colleges and four-year institutions in pursuit of academic and technical skills training;

(* * *j) To work with industry to identify barriers that inhibit the delivery of quality workforce education and the responsiveness of educational institutions to the needs of industry;

(* * *k) To provide periodic assessments on effectiveness and results of the overall Mississippi comprehensive workforce development system and district councils; * * *

(l) Develop broad statewide development goals, including a goal to raise the state's labor force participation rate;

(m) Perform a comprehensive review of Mississippi's workforce development efforts, including the amount spent and effectiveness of programs supported by state or federal money; and

(* * *n) To assist the Governor in carrying out any other responsibility required by the federal Workforce Investment Act of 1998, as amended and the Workforce Innovation and Opportunity Act, successor legislation and amendments.

(* * *6) The Mississippi State Workforce Investment Board shall coordinate all training programs and funds * * * within its purview, consistent with the federal Workforce Investment Act, Workforce Innovation and Opportunity Act, amendments and successor legislation to these acts, and other relevant federal law.

Each state agency director responsible for workforce training activities shall advise the Mississippi Office of Workforce Development and the State Workforce Investment Board of appropriate federal and state requirements. Each state agency, department and institution shall report any monies received for workforce training activities or career and technical education and a detailed itemization of how those monies were spent to the state board. The board shall compile the data and provide a report of the monies and expenditures to the Chairs of the House and Senate Appropriations Committee, the Chair of the House

Workforce Development Committee and the Chair of the Senate Economic and Workforce Development Committee by October 1 of each year. Each such state agency director shall remain responsible for the actions of his agency; however, each state agency and director shall work cooperatively * * * to fulfill the state's goals.

(* * *7) The State Workforce Investment Board shall establish * * * an executive committee * * *, which shall consist of the following State Workforce Investment Board members:

(a) The * * * Chair of the State Workforce Investment Board;

(b) * * * Two (2) business representatives currently serving on the state board selected by the Governor;

(c) * * * The two (2) business representatives currently serving on the state board appointed by the Lieutenant Governor;

(d) * * * The two (2) business representatives currently serving on the state board appointed by the Governor from a list of three (3) recommendations from the Speaker of the House;

* * *

(* * *e) The two (2) legislators, who shall serve in a nonvoting capacity, one (1) of whom shall be appointed by the Lieutenant Governor from the membership of the Mississippi Senate and one (1) of whom shall be appointed by the Speaker of the House of Representatives from the membership of the Mississippi House of Representatives.

* * *

(8) The executive committee shall select an executive director of the Office of Workforce Development, with the advice and consent of a majority of the State Workforce Investment Board. The executive committee shall seek input from economic development organizations across the state when selecting the executive director. The executive director shall:

(a) Be a person with extensive experience in development of economic, human and physical resources, and promotion of industrial and commercial development. The executive director shall have a bachelor's degree from a state-accredited institution and no less than eight (8) years of professional experience related to workforce or economic development;

(b) Perform the functions necessary for the daily operation and administration of the office, with oversight from the executive committee and the State Workforce Investment Board, to fulfill the duties of the state board as described in this act;

(c) Hire staff needed for the performance of his or her duties under this act. The executive director, with approval from the executive committee, shall set the compensation of any hired employees from any funds made available for that purpose;

(d) Enter any part of the Mississippi Community College Board, individual community and junior colleges, or other workforce training facilities operated by the state or its subdivisions;

(e) Serve at the will and pleasure of the executive committee;

(f) Promulgate rules and regulations, subject to oversight by the executive committee, not inconsistent with this chapter, as may be necessary to enforce the provisions in this act; and

(g) Perform any other actions he or she, in consultation with the executive committee, deems necessary to fulfill the duties under this act.

(9) The Office of Workforce Development and Mississippi Community College Board shall collaborate in the administration and oversight of the Mississippi Workforce Enhancement Training Fund and Mississippi Works Fund, as described in Section 71-5-353. The executive director shall maintain complete and exclusive operational control of the office's functions.

(10) The office shall file an annual report with the Governor, Secretary of State, President of the Senate, Secretary of the Senate, Speaker of the House, and Clerk of the House not later than October 1 of each year regarding all funds approved by the office to be expended on workforce training during the prior calendar year. The report shall include:

(a) Information on the performance of the Mississippi Workforce Enhancement Training Fund and the Mississippi Works

Fund, in terms of adding value to the local and state economy, the contribution to future growth of the state economy, and movement toward state goals, including increasing the labor force participation rate; and

(b) With respect to specific workforce training projects:

(i) The location of the training;

(ii) The amount allocated to the project;

(iii) The purpose of the project;

(iv) The specific business entity that is the beneficiary of the project; and

(v) The number of employees intended to be trained and actually trained, if applicable, in the course of the project.

(c) All information concerning a proposed project which is provided to the executive director shall be kept confidential. Such confidentiality shall not limit disclosure under the Mississippi Public Records Act of 1983 of records describing the nature, quantity, cost or other pertinent information related to the activities of, or services performed using, the Mississippi Workforce Enhancement Training Fund or the Mississippi Works Fund.

(11) Nothing in this act shall void or otherwise interrupt any contract, lease, grant or other agreement previously entered into by the State Workforce Investment Board, Mississippi Community College Board, individual community or junior colleges, or other entities.

SECTION 3. Section 37-153-11, Mississippi Code of 1972, is amended as follows:

37-153-11. (1) There are created workforce development centers to provide assessment, training and placement services to individuals needing retraining, training and upgrading for small business and local industry. Each workforce development center shall be affiliated with a separate public community or junior college district and shall coordinate with the Office of Workforce Development.

(2) Each workforce development center shall be staffed and organized locally by the affiliated community college. The workforce development center shall serve as staff to the affiliated district council.

(3) Each workforce development center, working in concert with its affiliated district council, shall offer and arrange services to accomplish the purposes of this chapter, including, but not limited to, the following:

(a) For individuals needing training and retraining:

(i) Recruiting, assessing, counseling and referring to training or jobs;

(ii) Preemployment training for those with no experience in the private enterprise system;

(iii) Basic literacy skills training and high school equivalency education;

(iv) Vocational and technical training, full-time or part-time; and

(v) Short-term skills training for educationally and economically disadvantaged adults in cooperation with federally established employment and training programs;

(b) For specific small businesses, industries or firms within the district:

(i) Job analysis, testing and curriculum development;

(ii) Development of specific long-range training plans;

(iii) Industry or firm-related preemployment training;

(iv) Workplace basic skills and literacy training;

(v) Customized skills training;

(vi) Assistance in developing the capacity for total quality management training;

(vii) Technology transfer information and referral services to business of local applications of new research in cooperation with the University Research Center, the state's universities and other laboratories; and

(viii) Development of business plans;

(c) For public schools within the district technical assistance to secondary schools in curriculum coordination, development of tech prep programs, instructional development and resource coordination; and

(d) For economic development, a local forum and resource center for all local industrial development groups to meet and promote regional economic development.

(4) Each workforce development center shall compile and make accessible to the Office of Workforce Development and Mississippi State Workforce Investment Board necessary information for use in evaluating outcomes of its efforts and in improving the quality of programs at each community college, and shall include information on literacy initiatives. Each workforce development center shall, through an interagency management information system, maintain records on new small businesses, placement, length of time on the job after placement and wage rates of those placed in a form containing such information as established by the state council.

(5) The Mississippi Community College Board is authorized to designate one or more workforce development centers at the request of affiliated community or junior colleges to provide skills training to individuals to enhance their ability to be employed in the motion picture industry in this state.

SECTION 4. Section 37-153-13, Mississippi Code of 1972, is amended as follows:

37-153-13. The Mississippi Community College Board, in collaboration with the Office of Workforce Development, is designated as the primary support agency to the workforce development centers. The Mississippi Community College Board, in collaboration with the Office of Workforce Development, may exercise the following powers:

(a) To provide the workforce development centers the assistance necessary to accomplish the purposes of this chapter;

(b) To provide the workforce development centers consistent standards and benchmarks to guide development of the local workforce development system and to provide a means by which the outcomes of local services can be measured;

(c) To develop the staff capacity to provide, broker or contract for the provision of technical assistance to the workforce development centers, including, but not limited to:

(i) Training local staff in methods of recruiting, assessment and career counseling;

(ii) Establishing rigorous and comprehensive local preemployment training programs;

(iii) Developing local institutional capacity to deliver total quality management training;

(iv) Developing local institutional capacity to transfer new technologists into the marketplace;

(v) Expanding the Skills Enhancement Program and improving the quality of adult literacy programs; and

(vi) Developing data for strategic planning;

(d) To collaborate with the Mississippi Development Authority, Office of Workforce Development, individual community and junior colleges, and other economic development and educational organizations and political subdivisions to increase the * * * economic development potential and the state's labor force participation rate;

(e) To administer presented and approved certification programs by the community colleges for tax credits and partnership funding for corporate training;

(f) To create and maintain an evaluation team that examines which kinds of curricula and programs and what forms of quality control of training are most productive so that the knowledge developed at one (1) institution of education can be transferred to others;

(g) To develop internal capacity to provide services and to contract for services from universities and other providers directly to local institutions;

(h) To develop and administer an incentive certification program;

(i) To develop and hire staff and purchase equipment necessary to accomplish the goals set forth in this section; and

(j) To collaborate, partner and contract for services with community-based organizations and disadvantaged businesses in the delivery of workforce training and career information especially to youth, as defined by the federal Workforce Investment Act, and to those adults who are in low income jobs or whose individual skill levels are so low as to be unable initially to be aided by a workforce development center. Community-based organizations and disadvantaged businesses must meet performance-based certification requirements set by the Mississippi Community College Board, in collaboration with the Office of Workforce Development.

SECTION 5. Section 71-5-353, Mississippi Code of 1972, is amended as follows:

71-5-353. (1) (a) Each employer shall pay unemployment insurance contributions equal to five and four-tenths percent (5.4%) of taxable wages paid by him each calendar year, except as may be otherwise provided in Section 71-5-361 and except that each newly subject employer shall pay unemployment insurance contributions at the rate of one percent (1%) of taxable wages, for his first year of liability, one and one-tenth percent (1.1%) of taxable wages for his second year of liability, and one and two-tenths percent (1.2%) of taxable wages for his third and subsequent years of liability unless the employer's experience-rating record has been chargeable throughout at least the twelve (12) consecutive calendar months ending on the most recent computation date at the time the rate for a year is determined; thereafter the employer's contribution rate shall be determined in accordance with the provisions of Section 71-5-355.

(b) Notwithstanding the newly subject employer contribution rate provided for in paragraph (a) of this subsection, the contribution rate of all newly subject employers shall be reduced by seven one-hundredths of one percent (.07%) for calendar year 2013 only. The contribution rate of all newly subject employers shall be reduced by three one-hundredths of one percent (.03%) for calendar year 2014 only. For purposes of this chapter, "newly subject employers" means employers whose unemployment insurance experience-rating record has not been chargeable throughout at least the twelve (12) consecutive calendar months ending on the most recent computation date at the time the contribution rate for a year is determined.

(2) (a) (i) There is hereby created in the Treasury of the State of Mississippi special funds to be known as the "Mississippi Workforce Enhancement Training Fund" and the "Mississippi Works Fund" which consist of funds collected pursuant to subsection (3) of this section.

(ii) Funds collected shall initially be deposited into the Mississippi Department of Employment Security bank account for clearing contribution collections and subsequently appropriate amounts shall be transferred to the Mississippi Workforce Investment and Training Fund Holding Account described in Section 71-5-453. In the event any employer pays an amount insufficient to cover the total contributions due, the amounts due shall be satisfied in the following order:

1. Unemployment contributions;

2. Mississippi Workforce Enhancement Training contributions, State Workforce Investment contributions and the

Mississippi Works contributions, known collectively as the Mississippi Workforce Investment and Training contributions, on a pro rata basis;

3. Interest and damages; then

4. Legal and processing costs.

The amount of unemployment insurance contributions due for any period will be the amount due according to the actual computations unless the employer is participating in the MLPP. In that event, the amount due is the MLPP amount computed by the department.

Cost of collection and administration of the Mississippi Workforce Enhancement Training contribution, the State Workforce Investment contribution and the Mississippi Works contribution shall be allocated based on a plan approved by the United States Department of Labor (USDOL). The Mississippi Community College Board shall pay the cost of collecting the Mississippi Workforce Enhancement Training contributions, the State Workforce Investment Board shall pay the cost of collecting the State Workforce Investment contributions and the Mississippi Department of Employment Security shall pay the cost of collecting the Mississippi Works contributions. Payments shall be made semiannually with the cost allocated to each based on a USDOL approved plan on a pro rata basis, for periods ending in June and December of each year. Payment shall be made by each organization to the department no later than sixty (60) days after the billing date. Cost shall be allocated under the USDOL's approved plan and in the same ratio as each contribution type represents to the total authorized by subparagraph (ii) * * *2. of this paragraph to be collected for the period.

(b) Mississippi Workforce Enhancement Training contributions and State Workforce Investment contributions shall be distributed as follows:

(i) For calendar year 2014, ninety-four and seventy-five one-hundredths percent (94.75%) shall be distributed to the Mississippi Workforce Enhancement Training Fund and the remainder shall be distributed to the State Workforce Investment Board bank account;

(ii) For calendar years subsequent to calendar year 2014, ninety-three and seventy-five one-hundredths percent (93.75%) shall be distributed to the Mississippi Workforce Enhancement Training Fund and the remainder shall be distributed to the State Workforce Investment Board bank account;

(iii) Workforce Enhancement Training contributions and State Workforce Investment contributions for calendar years 2014 and 2015 shall be distributed as provided in subparagraphs (i) and (ii) of this paragraph regardless of when the contributions were collected.

(c) All contributions collected for the State Workforce Enhancement Training Fund, the State Workforce Investment Fund and the Mississippi Works Fund will be initially deposited into the

Mississippi Department of Employment Security bank account for clearing contribution collections and subsequently transferred to the Workforce Investment and Training Holding Account and will be held by the Mississippi Department of Employment Security in such account for a period of not less than thirty (30) days. After such period, the Mississippi Workforce Enhancement Training contributions shall be transferred to the Mississippi Community College Board Treasury Account, with oversight provided by the Mississippi Office of Workforce Development, the State Workforce Investment contributions and the Mississippi Works contributions shall be transferred to the Mississippi Department of Employment Security Mississippi Works Treasury Account in the same ratio as each contribution type represents to the total authorized by paragraph (a)(ii) * * *2. of this subsection to be collected for the period and within the time frame determined by the department; however, except in cases of extraordinary circumstances, these funds shall be transferred within fifteen (15) days. Interest earnings or interest credits on deposit amounts in the Workforce Investment and Training Holding Account shall be retained in the account to pay the banking costs of the account. If after the period of twelve (12) months interest earnings less banking costs exceeds Ten Thousand Dollars ($10,000.00), such excess amounts shall be transferred to the respective accounts within thirty (30) days following the end of each calendar year on the basis described in paragraph (b) of this subsection. Interest earnings and/or interest credits for the State Workforce Investments funds shall be used for the payment of banking costs and excess amounts shall be used in accordance with the rules and regulations of the State Workforce Investment Board expenditure policies.

(d) All enforcement procedures for the collection of delinquent unemployment contributions contained in Sections 71-5-363 through 71-5-383 shall be applicable in all respects for collections of delinquent unemployment insurance contributions designated for the Unemployment Compensation Fund, the Mississippi Workforce Enhancement Training Fund, the State Workforce Investment Board Fund and the Mississippi Works Fund.

(e) (i) Except as otherwise provided for in this subparagraph (i), all monies deposited into the Mississippi Workforce Enhancement Training Fund Treasury Account shall be * * * directed by the Mississippi * * * Office of Workforce Development, in collaboration with the Mississippi Community College Board, in accordance with the Workforce Training Act of 1994 (Section 37-153-1 et seq.) * * * and under policies approved by the Mississippi * * * Office of Workforce Development for the following purposes: to provide training * * * in collaboration with the Mississippi Community College Board and individual community and junior colleges to employers and employees in order to enhance employee productivity. Such training may be subject to a minimal administrative fee to be paid from the Mississippi Workforce Enhancement Training Fund as established by the * * *

Office of Workforce Development. The initial priority of these funds shall be for the benefit of existing businesses located within the state. Employers may request training for existing employees and/or newly hired employees from the Mississippi * * * Office of Workforce Development. The office, in consultation with the Mississippi Community College Board, will be responsible for approving the training. A portion of the funds collected for the Mississippi Workforce Enhancement Training Fund shall be used for the development of performance measures to measure the effectiveness of the use of the Mississippi Workforce Enhancement Training Fund dollars. These performance measures shall be uniform for all * * * training projects and shall be reported to the Governor, Lieutenant Governor, Speaker of the House, and members of the Legislature. Nothing in this section or elsewhere in law shall be interpreted as giving the Office of Workforce Development or State Workforce Investment Board authority to direct the Mississippi Community College Board or individual community or junior colleges on how to expend * * * other funds, aside from funds appropriated to the Mississippi Workforce Enhancement Training Fund and Mississippi Works Fund, appropriated or received for workforce training * * *. The Mississippi Office of Workforce Development, Mississippi Community College Board, individual community or junior colleges * * *, State Workforce Investment Board and other agencies implementing or coordinating state-funded workforce development programs under state law shall cooperate with each other * * * to promote effective workforce training in Mississippi, under the direction of the office. Any subsequent changes to these performance measures shall also be reported to the Governor, Lieutenant Governor, Speaker of the House, and members of the Legislature. A performance report for each training project and community college, based upon these measures, shall be submitted annually to the Governor, Lieutenant Governor, Speaker of the House, and members of the Legislature.

(ii) Except as otherwise provided in this paragraph (e), all funds deposited into the State Workforce Investment Board bank account shall be used for administration of State Workforce Investment Board business, the Office of Workforce Development, grants related to training, and other projects as determined appropriate by the State Workforce Investment Board and shall be nonexpiring. Policies for grants and other projects shall be approved through a majority vote of the State Workforce Investment Board.

(iii) All funds deposited into the Mississippi Department of Employment Security Mississippi Works Fund shall be disbursed exclusively by the Executive Director of the Mississippi Department of Employment Security, in accordance with the rules and regulations promulgated by the * * * Office of Workforce Development in support of workforce training activities approved by the Mississippi * * * Office of Workforce Development in support of economic development activities. Funds allocated by the executive director under this subparagraph (iii) shall only be utilized for the training of unemployed persons, for immediate training needs for the net new jobs created by an employer, for the retention of jobs or to create a work-ready applicant pool of Mississippians with credentials and/or postsecondary education in accordance with the state's Workforce Investment and Opportunity Act plan. The Executive Director of the Office of Workforce Development shall give priority to the training of unemployed persons. Not more than twenty-five percent (25%) of the funds may be allocated for the retention of jobs and/or creation of a work-ready applicant pool. Not more than Five Hundred Thousand Dollars ($500,000.00) may be allocated annually for the training needs of any one (1) employer. The Mississippi Office of Workforce Development, in collaboration with the Mississippi Public Community College System and its partners, shall be the primary * * * entity to facilitate training. In no case shall these funds be used to supplant workforce funds available from any other sources, including, but not limited to, local, state or federal sources that are available for workforce training and development. Training conducted utilizing these Mississippi Works funds may be subject to a minimal administrative fee to be paid from the Mississippi Works Fund as authorized by the Mississippi * * * Office of * * * Workforce Development. All costs associated with the administration of these funds shall be reimbursed to the Mississippi Department of Employment Security from the Mississippi Works Fund.

(iv) 1. The Department of Employment Security shall be the fiscal agent for the receipt and disbursement of all funds in the State Workforce Investment Board bank account, subject to the administrative oversight of the Office of Workforce Development.

2. In managing the State Workforce Investment Board bank account, the * * * Office of Workforce Development, in coordination with the Mississippi Department of Employment Security as fiscal agent, shall ensure that any funds expended for contractual services rendered to the * * * Office of Workforce Development shall be paid only to service providers who have been selected on a competitive basis. Any contract for services entered into using funds from the Workforce Investment Fund bank account shall contain the deliverables stated in terms that allow for the assessment of work performance against measurable performance standards and shall include milestones for completion of each deliverable under the contract. For each contract for services entered into by the * * * Office of Workforce Development, the * * * office shall develop a quality assurance surveillance plan that specifies quality control obligations of the contractor as well as measurable inspection and acceptance criteria corresponding to the performance standards contained in the contract's statement of work.

3. Any commodities procured for the * * * office shall be procured in accordance with the provisions of Section 31-7-13.

(v) In addition to other expenditures, the * * * Office of Workforce Development shall expend from the State Workforce Investment Board bank account for the use and benefit of the * * * Office of Workforce Development, such funds as are necessary to prepare and develop a study of workforce development needs that will consist of the following:

1. An identification of the state's workforce development needs through a well-documented quantitative and qualitative analysis of:

a. The current and projected workforce training needs of existing and identified potential Mississippi industries, with priority given to assessing the needs of existing in-state industry and business. Where possible, the analysis should include a verification and expansion of existing information previously developed by workforce training and service providers, as well as analysis of existing workforce data, such as the data collected through the Statewide Longitudinal Data System.

b. The needs of the state's workers and residents requiring additional workforce training to improve their work skills in order to compete for better employment opportunities, including a priority-based analysis of the critical factors currently limiting the state's ability to provide a trained and ready workforce.

c. The needs of workforce service and training providers in improving their ability to offer industry-relevant training, including an assessment of the practical limits of keeping training programs on the leading edge and eliminating those programs with marginal workforce relevance.

2. An assessment of Mississippi's current workforce development service delivery structure relative to the needs quantified in this subparagraph, including:

a. Development of a list of strengths/weaknesses/opportunities/threats (SWOT) of the current workforce development delivery system relative to the identified needs;

b. Identification of strategic options for workforce development services based on the results of the SWOT analysis; and

c. Development of results-oriented measures for each option that can be baselined and, if implemented, tracked over time, with quantifiable milestones and goals.

3. Preparation of a report presenting all subjects set out in this subparagraph to be delivered to the Lieutenant Governor, Speaker of the House of Representatives,

Chairman of the Senate Finance Committee and Chairman of the House Appropriations Committee no later than February 1, 2015.

4. Following the preparation of the report, the State Workforce Investment Board shall make a recommendation to the House and Senate Appropriations Committees on future uses of funds deposited to the State Workforce Investment Fund account. Such future uses may include:

a. The development of promotion strategies for workforce development programs;

b. Initiatives designed to reduce the state's dropout rate, including the development of a statewide career awareness program;

c. The long-term monitoring of the state's workforce development programs to determine whether they are addressing the needs of business, industry, and the workers of the state; and

d. The study of the potential restructuring of the state's workforce programs and delivery systems.

(3) (a) (i) Mississippi Workforce Enhancement Training contributions and State Workforce Investment contributions shall be collected at the following rates:

1. For calendar year 2014 only, the rate of nineteen one-hundredths of one percent (.19%) based upon taxable wages of which eighteen one-hundredths of one percent (.18%) shall

be the Workforce Enhancement Training contribution and one-hundredths of one percent (.01%) shall be the State Workforce Investment contribution; and

2. For calendar year 2015 only, the rate of sixteen one-hundredths of one percent (.16%), based upon taxable wages of which fifteen one-hundredths of one percent (.15%) shall be the Workforce Enhancement Training contribution and one-hundredths of one percent (.01%) shall be the State Workforce Investment contribution.

(ii) Mississippi Workforce Enhancement Training contributions, State Workforce Investment contributions and Mississippi Works contributions shall be collected at the following rates:

1. For calendar year 2016 only, at a rate of twenty-four one-hundredths percent (.24%), based upon taxable wages, of which fifteen one-hundredths percent (.15%) shall be the Workforce Enhancement Training contribution, one-hundredths of one percent (.01%) shall be the State Workforce Investment contribution and eight one-hundredths percent (.08%) shall be the Mississippi Works contribution.

2. For calendar years subsequent to calendar year 2016, at a rate of twenty one-hundredths percent (.20%), based upon taxable wages, of which fifteen one-hundredths percent (.15%) shall be the Workforce Enhancement Training contribution, one-hundredths of one percent (.01%) shall be the State Workforce

Investment contribution and four one-hundredths percent (.04%) shall be the Mississippi Works contribution. The Mississippi Works contribution shall be collected for calendar years in which the general experience ratio, adjusted on the basis of the trust fund adjustment factor and reduced by fifty percent (50%), results in a general experience rate of less than two-tenths percent (.2%). In all other years the Mississippi Works contribution shall not be in effect.

(iii) The Mississippi Workforce Enhancement Training Fund contribution, the State Workforce Investment contribution and the Mississippi Works contribution shall be in addition to the general experience rate plus the individual experience rate of all employers but shall not be charged to reimbursing or rate-paying political subdivisions or institutions of higher learning, or reimbursing nonprofit organizations, as described in Sections 71-5-357 and 71-5-359.

(b) All Mississippi Workforce Enhancement Training contributions, State Workforce Investment contributions and Mississippi Works contributions collected shall be deposited initially into the Mississippi Department of Employment Security bank account for clearing contribution collections and shall within two (2) business days be transferred to the Workforce Investment and Training Holding Account. Any Mississippi Workforce Enhancement Training Fund and/or State Workforce Investment Board bank account and/or Mississippi Works Fund transactions from the Mississippi Department of Employment Security bank account for clearing contribution collections that are deposited into the Workforce Investment and Training Fund Holding Account and are not honored by a financial institution will be transferred back to the Mississippi Department of Employment Security bank account for clearing contribution collections out of funds in the Mississippi Workforce Investment and Training Fund Holding Account.

(c) Suspension of the Workforce Enhancement Training Fund contributions required pursuant to this chapter shall occur if the insured unemployment rate exceeds an average of five and five-tenths percent (5.5%) for the three (3) consecutive months immediately preceding the effective date of the new rate year following such occurrence and shall remain suspended throughout the duration of that rate year. Such suspension shall continue until such time as the three (3) consecutive months immediately preceding the effective date of the next rate year that has an insured unemployment rate of less than an average of four and five-tenths percent (4.5%). Upon such occurrence, reactivation shall be effective upon the first day of the rate year following the event that lifts suspension and shall be in effect for that year and shall continue until such time as a subsequent suspension event as described in this chapter occurs.

(4) All collections due or accrued prior to any suspension of the Mississippi Workforce Enhancement Training Fund will be

collected based upon the law at the time the contributions accrued, regardless of when they are actually collected.

SECTION 6. Section 71-5-453, Mississippi Code of 1972, is amended as follows:

71-5-453. The department shall be the treasurer and custodian of the fund, and shall administer such fund in accordance with the directions of the department, and shall issue its warrants upon it in accordance with such regulations as the department shall prescribe. The department shall maintain within the fund three (3) separate accounts: (a) a clearing account, (b) an unemployment trust fund account, and (c) a benefit payment account. All monies payable to the fund, upon receipt thereof by the department, shall be immediately deposited in the clearing account. Refunds payable pursuant to Section 71-5-383 may be paid from the clearing account by the department. Transfers pursuant to Section 71-5-114 of all interest, penalties and damages collected shall be made to the Special Employment Security Administration Fund as soon as practicable after the end of each calendar quarter. Workforce Enhancement Training contributions, State Workforce Investment contributions and Mississippi Works contributions shall be deposited into the Workforce Investment and Training Holding Account as described in this section. All other monies in the clearing account shall be immediately deposited with the Secretary of the Treasury of the United States of America to the Unemployment Trust Fund account for the State of Mississippi, established and maintained pursuant to Section 904 of the Social Security Act, as amended, any provisions of law in this state relating to the deposit, administration, release or disbursement of monies in the possession or custody of this state to the contrary notwithstanding. The benefit account shall consist of all monies requisitioned from this state's account in the Unemployment Trust Fund. Except as herein otherwise provided, monies in the clearing and benefit accounts may be deposited by the department, in any bank or public depository in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund. The department shall be liable for the faithful performance of its duties in connection with the Unemployment Compensation Fund under this chapter. A Workforce Investment and Training Holding Account shall be established by and maintained under the control of the Mississippi Department of Employment Security. Contributions collected pursuant to the provisions in this chapter for the Workforce Enhancement Training Fund, State Workforce Investment Fund and the Mississippi Works Fund shall be transferred from the clearing account into the Workforce Investment and Training Holding Account on the same schedule and under the same conditions as funds transferred to the Unemployment Compensation Fund. Such funds shall remain on deposit in the holding account for a period of thirty (30) days. After such period, Workforce Enhancement Training contributions shall be transferred to the appropriate

Mississippi * * * Community College Board Treasury Account, with oversight provided by the Mississippi Office of Workforce Development, by the department. The State Workforce Investment contributions shall be transferred to the State Workforce Investment Board bank account established by the department, and the department shall have the authority to deposit and disburse funds from the State Workforce Investment Board bank account as directed by the State Workforce Investment Board. The Mississippi Works contributions shall be transferred to the Mississippi Department of Employment Security Treasury Account for the Mississippi Works Fund. Such transfers shall occur within fifteen (15) days after the funds have resided in the Workforce Investment and Training Holding Account for thirty (30) days. One (1) such transfer shall be made monthly, but the department, in its discretion, may make additional transfers in any month. In the event such funds transferred are subsequently determined to be erroneously paid or collected, or if deposit of such funds is denied or rejected by the banking institution for any reason, or deposits are unable to clear drawer's account for any reason, the funds must be reimbursed by the recipient of such funds within thirty (30) days of mailing of notice by the department demanding such refund, unless funds are available in the Workforce Investment and Training Holding Account. In that event such amounts shall be immediately withdrawn from the Workforce

Investment and Training Holding Account by the department and redeposited into the clearing account.

SECTION 7. Section 60, Chapter 572, Laws of 2004, as amended by Section 58, Chapter 30, Laws of the First Extraordinary Session of 2008, as amended by Section 58, Chapter 559, Laws of 2010 Regular Session, as amended by Section 59, Chapter 471, Laws of 2011, as amended by Section 58, Chapter 515, Laws of 2012, as amended by Section 58, Chapter 451, Laws of 2019, is amended as follows:

Section 60. Sections 8 through 59 of this act shall stand repealed on July 1, 2023.

SECTION 8. The following shall be codified as Section 37-153-17, Mississippi Code of 1972:

37-153-17. Sections 37-153-1, 37-153-3, 37-153-5, 37-153-7, 37-153-9, 37-153-11, 37-153-13 and 37-153-15 shall stand repealed on July 1, 2023.

SECTION 9. This act shall take effect and be in force from and after July 1, 2020.

Mississippi Legislature
2020 Regular Session

Senate Bill 2583

Description: 2018 Transportation and Infrastructure Improvements Fund; clarify provisions relating to City of Guntown and the City of Bruce.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	02/17	(S)	Referred To Municipalities
2	02/24	(S)	Title Suff Do Pass
3	03/04	(S)	Passed {Vote}
4	03/04	(S)	Immediate Release
5	03/04	(S)	Transmitted To House
6	03/25	(H)	Referred To Ways and Means
7	06/09	(H)	Title Suff Do Pass As Amended
8	06/10	(H)	Amended
9	06/10	(H)	Passed As Amended {Vote}
10	06/11	(H)	Returned For Concurrence
11	06/18	(S)	Concurred in Amend From House {Vote}
12	06/19	(S)	Motion to Reconsider Entered
13	06/19	(S)	Decline to Concur/Invite Conf
14	06/22	(S)	Conferees Named Jackson (15th),McLendon,McMahan
15	06/23	(H)	Conferees Named Lamar,Steverson,Massengill
16	06/25	(S)	Conference Report Filed
17	06/25	(H)	Conference Report Filed
18	06/26	(H)	Conference Report Adopted {Vote}
19	06/26	(S)	Conference Report Adopted {Vote}
20	06/29	(S)	Enrolled Bill Signed
21	06/29	(H)	Enrolled Bill Signed
22	07/06		Approved by Governor

Amendments:
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2583

Conference Reports:
Conference Report

Code Section: A 027-0104-0301

----- Additional Information -----

Senate Committee: Municipalities
House Committee: Ways and Means

Principal Author: McMahan

Title: AN ACT TO AMEND SECTION 27-104-301, MISSISSIPPI CODE OF 1972, TO CLARIFY THE USE OF FUNDS FROM THE 2018 TRANSPORTATION AND INFRASTRUCTURE IMPROVEMENTS FUND TO ASSIST THE CITY OF GUNTOWN IN PAYING COSTS ASSOCIATED WITH IMPROVEMENTS TO MUNICIPAL STRUCTURES AT OR NEAR MAIN STREET; TO CLARIFY THE USE OF FUNDS FROM THE 2018 TRANSPORTATION AND INFRASTRUCTURE IMPROVEMENTS FUND TO ASSIST THE CITY OF BRUCE IN PAYING COSTS ASSOCIATED WITH MUNICIPAL IMPROVEMENTS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) McMahan To: Municipalities

SENATE BILL NO. 2583
(As Sent to Governor)

AN ACT TO AMEND SECTION 27-104-301, MISSISSIPPI CODE OF 1972, TO CLARIFY THE USE OF FUNDS FROM THE 2018 TRANSPORTATION AND INFRASTRUCTURE IMPROVEMENTS FUND TO ASSIST THE CITY OF GUNTOWN IN PAYING COSTS ASSOCIATED WITH IMPROVEMENTS TO MUNICIPAL STRUCTURES AT OR NEAR MAIN STREET; TO CLARIFY THE USE OF FUNDS FROM THE 2018 TRANSPORTATION AND INFRASTRUCTURE IMPROVEMENTS FUND TO ASSIST THE CITY OF BRUCE IN PAYING COSTS ASSOCIATED WITH MUNICIPAL IMPROVEMENTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-104-301, Mississippi Code of 1972, is amended as follows:

27-104-301. (1) A special fund, to be designated the "2018 Transportation and Infrastructure Improvements Fund," is created within the State Treasury, which shall consist of funds made available by the Legislature in any manner and funds from any other source designated for deposit into such fund. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(2) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, as follows:

(a) To pay the costs incurred by the Mississippi Transportation Commission and the Mississippi Department of Transportation to widen Mississippi Highway 16 to three (3) lanes as follows:

(i) From near the Neely Town Road at the DeKalb City Limits to the point at which Old Philadelphia Road ties into Mississippi Highway 16; and

(ii) Between the two (2) points at which Mississippi Highway 39 ties into Mississippi Highway 16..$2,000,000.00.

(b) To assist in paying the costs associated with preconstruction, design, engineering, land acquisition, right-of-way acquisition, construction and development of the Reunion Parkway project from Bozeman Road to Parkway East in Madison County, Mississippi.........................$8,000,000.00.

(c) To assist the East Metropolitan Corridor Commission, which is a commission operating as a local public agency representing the Jackson Municipal Airport Authority, the City of Brandon, Mississippi, the City of Flowood, Mississippi, and the City of Pearl, Mississippi, in paying the costs associated with land acquisition and implementation of the East Metro Corridor project in Rankin County, Mississippi, from its current terminus at the southeast corner of, and within, the Jackson-Medgar Wiley Evers International Airport, traversing easterly and southerly and terminating at Interstate 20 at Crossgates Boulevard in Brandon, Mississippi........$8,000,000.00.

(d) To assist DeSoto County, Mississippi, in paying the costs of rebuilding Holly Springs Road in DeSoto County and drainage improvements to the road..................$3,000,000.00.

(e) To assist Carroll County, Mississippi, in paying the costs of repair, renovation or replacement of two (2) closed bridges on or near County Road 57 in Carroll County......................................$ 500,000.00.

(f) To assist Lamar County, Mississippi, in paying the costs associated with necessary infrastructure improvements in Beat 5 of Lamar County and/or construction of recreational facilities in Beat 5...............................$ 500,000.00.

(g) To assist Lamar County, Mississippi, in paying the costs of improvements to the intersection of Scruggs Road and Mississippi Highway 589, including, but not limited to, the relocation of portions of the road, the purchase of property related to the relocation, signage, paving, other costs related to improving the safety of the intersection and other road safety projects in Supervisors District 5 of Lamar County..$1,500,000.00.

(h) To assist Bolivar County, Mississippi, in paying the costs associated with preplanning and construction of a Mississippi River landing dock facility and related facilities in Bolivar County.......................$1,000,000.00.

(i) To assist Rankin County, Mississippi, in paying the costs related to the extension of Gunter Road in Rankin County.......................................$2,800,000.00.

(j) To assist the Pearl River Valley Water Supply District in paying the costs associated with the repair, rehabilitation, reconstruction or replacement of seawalls at the Ross Barnett Reservoir as required by the settlement agreement in the case of Bobby L. Baker, Jr., et al. v. Pearl River Valley Water Supply District, in the Circuit Court of Rankin County, Mississippi, Civil Action No. 212-133E.............$4,000,000.00.

(k) To assist the City of Hattiesburg, Mississippi, in paying the costs associated with resurfacing and other improvements to Hardy Street in the City of Hattiesburg from its intersection with U.S. Highway 49 East to its intersection with West Pine Street in the City of Hattiesburg.........$ 400,000.00.

(l) To assist the City of Hattiesburg, Mississippi, in paying the costs associated with resurfacing and other improvements to 38th Avenue in the City of Hattiesburg..$ 100,000.00.

(m) To assist Hinds County, Mississippi, in paying the costs of construction and development of the Byram-Clinton Parkway project in Hinds County............................$2,000,000.00.

(n) To assist the City of Senatobia, Mississippi, in paying the costs associated with the following purposes, in the following order:

(i) Construction and development of roundabout projects and other improvements at the intersection of Main Street and Scott Street and adjoining or related intersections in the City of Senatobia;

(ii) Improvements at the intersection of Front Street and Main Street in the City of Senatobia; and

(iii) Improvements at the intersection of Heard Street and Main Street in the City of Senatobia.....$2,300,000.00.

Any such funds that are in excess of that needed to complete the projects described in this paragraph shall be used to assist the City of Senatobia in paying the costs associated with making historically relevant infrastructure improvements in the city's downtown historic district. In addition, the scope of work for any projects described in this paragraph that are located in the city's downtown historic district must be in keeping with the character of the district.

(o) To assist in paying the costs associated with:

(i) Constructing, developing, extending and implementing wastewater infrastructure and related facilities, systems and infrastructure within and/or near Gateway Industrial Park in Pike County, Mississippi; and

(ii) Constructing access roads and related infrastructure within and/or near Gateway Industrial Park in Pike County..$3,000,000.00.

(p) To assist the City of Petal, Mississippi, in paying the costs associated with (i) the repair, rehabilitation, resurfacing, construction and reconstruction of Leeville Road/Main Street located in Forrest County, Mississippi, in the City of Petal from its intersection with the Evelyn Gandy Parkway southerly to the boundary of the corporate limits of the City of Petal; and (ii) the repair, rehabilitation, resurfacing, construction and reconstruction of Smithville Road located in Forrest County, Mississippi, in the City of Petal...$ 750,000.00.

(q) To assist the Town of West, Mississippi, in paying the costs associated with repairs, resurfacing and making other improvements to streets in the Town of West.........$ 500,000.00.

(r) To assist Oktibbeha County, Mississippi, in paying the costs associated with the resurfacing and repaving of Longview Road in Oktibbeha County..........................$ 750,000.00.

(s) To assist in paying the costs associated with the completion of the four-lane of Mississippi Highway 19 South at the south Philadelphia City boundary intersection at Holland Avenue and extending south along Mississippi Highway 19 South to the intersection of BIA Road 241 (also known as Tucker Road), including, but not be limited to, all necessary acquisition, preconstruction and construction activities.........$2,000,000.00.

(t) To assist the City of Pascagoula, Mississippi, in paying the costs associated with construction and development of the East Bank Access Road project in the City of Pascagoula................................$2,000,000.00.

(u) To assist the Pascagoula Port Authority in paying the costs associated with construction and development of the North Rail Corridor project in Jackson County, Mississippi....................................$2,000,000.00.

(v) To assist the Town of Carrollton, Mississippi, in paying the costs associated with making improvements to Washington Street in the Town of Carrollton...................$ 200,000.00.

(w) To assist the City of Winona, Mississippi, in paying the costs associated with making improvements to Powell Street in the City of Winona.......................$ 300,000.00.

(x) To assist the Town of Como, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in the Town of Como...........$ 250,000.00.

(y) To assist the Town of Sledge, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in the Town of Sledge.........$ 250,000.00.

(z) To assist the Town of Itta Bena, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in the Town of Itta Bena......$ 250,000.00.

(aa) To assist the City of Grenada, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in the City of Grenada........$ 500,000.00.

(bb) To assist the City of Waynesboro, Mississippi, in paying the costs associated with the Ramey Lane/Martin Luther King, Jr., Drive sewer repair and resurfacing project in the City of Waynesboro.................................$ 500,000.00.

(cc) To assist the City of Corinth, Mississippi, in paying the costs associated with repair, rehabilitation, maintenance and other improvements to roads in the City of Corinth....................................$ 500,000.00.

(dd) To assist the City of Long Beach, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in the City of Long Beach.....$1,000,000.00.

(ee) To assist Wilkinson County, Mississippi, in paying the costs associated with the repair, rehabilitation, replacement, reconstruction and/or construction of bridges in Wilkinson County, including those bridges on state-designated highways that are maintained by the county...........................$1,700,000.00.

(ff) To assist the City of Vicksburg, Mississippi, in paying the costs associated with:

(i) Transportation infrastructure due diligence to increase multimodal river transportation options in the City of Vicksburg; and

(ii) Expanded multimodal layout to provide a combination of rail, interstate, airport, and river access in and to the City of Vicksburg...........................$1,000,000.00.

(gg) To assist the Town of Flora, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in the Town of Flora..........$ 300,000.00.

(hh) To assist in paying the costs associated with making improvements to:

(i) The intersection of Mississippi Highway 9W and Mississippi Highway 7 in Lafayette County, Mississippi;

(ii) A portion of Mississippi Highway 7 beginning at its intersection with Mississippi Highway 9W and running approximately one (1) mile south of such intersection in Lafayette County; and

(iii) A portion of Mississippi Highway 7 beginning at its intersection with Mississippi Highway 9W and running northerly to the boundary of the corporate limits of the City of Oxford, Mississippi.........................$1,000,000.00.

(ii) To assist in paying the costs associated with necessary repairs to Natchez Trace Lake and surrounding roads in Pontotoc County, Mississippi.......................$1,000,000.00.

(jj) To assist the City of Houston, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in the City of Houston........$ 300,000.00.

(kk) To assist the Town of Houlka, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in the Town of Houlka.........$ 200,000.00.

(ll) To assist the City of Clinton, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements and upgrades to roads in the City of Clinton....................................$1,000,000.00.

(mm) To assist Tate County, Mississippi, in paying the costs associated with widening, safety improvements, leveling, mill and overlay of Country Club Road south of the Country Club Road/Shands Bottom Road four-way stop; however, any funds that are in excess of that needed to complete such project shall be used to assist Tate County in paying the costs associated with repaving roads in Tate County...............................$1,000,000.00.

(nn) To assist in paying the costs of construction and development related to the Cook Road Corridor project in Jackson County, Mississippi, and Harrison County, Mississippi...$2,000,000.00.

(oo) To assist the Town of Vaiden, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to streets in the Town of Vaiden.......$ 100,000.00.

(pp) To assist the City of Crystal Springs, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in the City of Crystal Springs...........................$ 500,000.00.

(qq) To assist the City of Hernando, Mississippi, in paying the costs associated with construction and construction engineering related to the realignment of McIngvale Road in the City of Hernando..........................$1,000,000.00.

(rr) To assist Attala County, Mississippi, in paying the costs associated with the following purposes:

(i) Rehabilitation and paving of Attala County Road 2221 also known as Airport Road in Attala County;

(ii) Base repair and asphalt overlay of the back and front parking lots of the Attala County Justice Court Building; and

(iii) Base reconstruction and resurfacing of the parking lot of the former Jack Post Manufacturing Building in Attala County.......................................$ 450,000.00.

(ss) To assist the City of Kosciusko, Mississippi, in paying the costs associated with making improvements and upgrades to South Huntington Street and other streets in the City of Kosciusko, Mississippi.....................$ 750,000.00.

(tt) To assist in paying the costs associated with the repair, rehabilitation, resurfacing, construction and reconstruction, including the widening of and addition of lanes to Scott Road in the City of Lucedale, Mississippi, from its intersection with Mississippi Highway 26 to its intersection with Mississippi Highway 63 in the City of Lucedale...$ 350,000.00.

(uu) To assist in paying the costs associated with planning, design, construction, repair, renovation, replacement, expansion of and other improvements to infrastructure at the Columbia-Marion County Airport in Marion County, Mississippi......................................$ 250,000.00.

(vv) To assist in paying the costs associated with construction and development of a bridge at the industrial park/port in Itawamba County, Mississippi..........$ 500,000.00.

(ww) To assist Lincoln County, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in Lincoln County............$ 500.000.00.

(xx) To assist the City of Brookhaven, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in the City of Brookhaven...$ 500,000.00.

(yy) To assist the City of Farmington, Mississippi, in paying the costs associated with expansion of and upgrades and improvements to the city's infrastructure..........$ 500,000.00.

(zz) To assist the City of Carthage, Mississippi, in paying the costs associated with making improvements to portions of Valley Street, Williams Street, Franklin Street and McMillan Park Road in the City of Carthage..................$ 500,000.00.

(aaa) To assist the Itawamba County Railroad Authority in paying a portion of the costs associated with the repair, rehabilitation, construction, reconstruction, upgrading and improvement of the existing railroad line and related facilities running from the City of Amory, Mississippi, to the City of

Fulton, Mississippi, including projects necessary to ensure safety and structural integrity of the rail line, rail beds and bridges...............................$1,500,000.00.

(bbb) To assist in paying costs associated with improvements at the Columbia Training School in the City of Columbia, Mississippi......................$ 500,000.00.

(ccc) To assist the City of Louisville, Mississippi, in paying the costs associated with constructing a road and other transportation infrastructure in the City of Louisville that will provide and improve access to land owned by the city designated for an economic development project on or near the location of Winston Plywood & Veneer...........................$ 500,000.00.

(ddd) To assist the New Site Water Association in paying the costs associated with repairing a water tank that is located adjacent to the Piney Grove Campground in Prentiss County, Mississippi..$ 250,000.00.

(eee) To assist Quitman County, Mississippi, in paying the costs of construction, furnishing and equipping of a passenger train depot in Marks, Mississippi, specifically, to reimburse the Four Hundred Twenty Thousand Dollar ($420,000.00) loan from Quitman County general fund 001 to help with the construction of the Amtrak shelter in Marks, Mississippi. The amount of Eighty Thousand Dollars ($80,000.00) may be used to purchase and remodel an existing building next to the new Amtrak stop that will serve as a waiting area and provide restroom facilities for Amtrak passengers and waiters..............................$ 500,000.00.

(fff) To assist the City of Saltillo, Mississippi, in paying the costs associated with a project involving the city's wastewater system and/or repair of sinkholes in the city...$ 250,000.00.

(ggg) To assist Lafayette County, Mississippi, in paying the costs associated with the extension of West Oxford Loop in Lafayette County.................................$1,000,000.00.

(hhh) To assist the Tupelo Public School District in paying the costs associated with roofing Church Street Elementary School in Tupelo, Mississippi......................$ 400,000.00.

(iii) To assist the City of Baldwyn, Mississippi, in paying the costs associated with making improvements and upgrades to a portion of the city's natural gas system transmission system line and related infrastructure..$1,000,000.00.

(jjj) To assist Harrison County, Mississippi, in paying the costs associated with the construction, furnishing and equipping of an expansion of the Harrison County Law Enforcement Training Academy...................................$ 800,000.00.

(kkk) To assist the Town of Monticello, Mississippi, in paying the cost of necessary improvements to the U.S. Highway 84 frontage road between S.R. 27 and Old Highway 27 project in the Town of Monticello..........................$ 450,000.00.

(lll) To assist the Lamar County School District in paying the cost of repairs, renovations and capital improvements necessitated by the consolidation of the Lumberton County School District into the Lamar County School District......$1,000,000.00.

(mmm) To assist in paying the costs associated with repair, rehabilitation, and related construction activities for the Mississippi Center for Innovation and Technology in the City of Vicksburg...................................$2,500,000.00.

(nnn) To assist the Mississippi's Toughest Kids Foundation in paying the costs associated with:

(i) Design, preplanning, construction, furnishing and equipping of buildings and related facilities at Camp Kamassa in Copiah County, Mississippi; and

(ii) Design, preplanning, construction and development of infrastructure at Camp Kamassa in Copiah County, Mississippi...$1,000,000.00.

(ooo) To assist in paying the costs associated with construction, furnishing and equipping the Mississippi Children's Museum-Meridian in Meridian, Mississippi...$2,000,000.00.

(ppp) To assist the Mississippi Department of Transportation in paying the costs associated with upgrades to Highway 8 starting at U.S. Highway 61 and extending to Bishop Road in Bolivar County....................$1,000,000.00.

(qqq) To assist Jasper County, Mississippi, in paying the costs associated with the paving of County Road 6 in Jasper County..$ 100,000.00.

(rrr) To assist Jasper County, Mississippi, in paying the costs associated with upgrades to CR 1591 leading toward the Hol-Mac facility in Bay Springs....................$ 50,000.00.

(sss) To assist Lowndes County, Mississippi, in paying the costs associated with the construction of a portion of Charleigh Ford, Jr. Drive extending from Artesia Road to Mims Road..$1,000,000.00.

(ttt) To assist the Mississippi Department of Transportation in paying the cost of completing the last mile of U.S. Highway 61 in Claiborne County, Mississippi, as contemplated in the 1987 Four-Lane Highway Program.......................... ....$1,000,000.00.

(uuu) To assist the Division of State Aid Road Construction in paying the costs associated with the completion of construction repairs on Parks Road in Drew, Mississippi.................................$ 300,000.00.

(vvv) To assist the Rodney History and Preservation Society in paying the costs associated with the repair and renovation of the historic Rodney Presbyterian Church in the Rodney Center Historic District...................$ 280,000.00.

(www) To assist the Summit Community Development Foundation under a Memorandum of Understanding (MOU) with the IRS, in paying the costs associated with (i) the Water Stand Pipe lighting installation and landmark marker, and (ii) the acquisition, development and establishment of a town park in Summit, Mississippi................................$ 150,000.00.

(xxx) To assist the City of Ripley, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in the City of Ripley.........$ 500,000.00.

(yyy) To assist the Town of Byhalia, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in the Town of Byhalia........$ 500,000.00.

(zzz) To assist the City of Natchez, Mississippi, in providing matching funds for federal funds for emergency watershed projects in the city...............................$ 900,000.00.

(aaaa) To assist the City of Greenville, Mississippi, in paying the costs associated with the construction and extension of Colorado Street from its intersection with George Abraham Boulevard southerly to VFW Road in the City of Greenville, including costs associated with land acquisition and professional services for such project.........................$1,000,000.00.

(bbbb) To assist the City of New Albany, Mississippi, in paying the costs associated with repair, resurfacing, maintenance and other improvements to roads and streets and sewer repairs in the City of New Albany..................$ 500,000.00.

(cccc) To assist Choctaw County, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in Choctaw County............$ 250,000.00.

(dddd) To assist Webster County, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in Webster County............$ 250,000.00.

(eeee) To assist the City of Batesville, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in the City of Batesville.....$ 350,000.00.

(ffff) To assist the Town of Sardis, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in the Town of Sardis.........$ 250,000.00.

(gggg) To assist Newton County, Mississippi, in paying the costs associated with overlaying portions of Turkey Creek Road and Simkins Road in Newton County..................$ 225,000.00.

(hhhh) To assist Hancock County, Mississippi, in paying the costs associated with repair of Crane Creek Bridge No. 32 in Hancock County......................................$ 500,000.00.

(iiii) To assist Stone County, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in Stone County..............$ 150,000.00.

(jjjj) To assist the City of Southaven, Mississippi, in paying the costs associated with infrastructure improvements in the Greenbrook and Carriage Hills neighborhoods in the City of Southaven..................................$ 500,000.00.

(kkkk) To assist the City of Wiggins, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to Hall Road in the City of Wiggins....$ 500,000.00.

(llll) [Deleted]

(mmmm) [Deleted]

(nnnn) To assist the Town of North Carrollton, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to Marshall Elementary School Road in the Town of North Carrollton...............$ 100,000.00.

(oooo) To assist the Town of Kilmichael, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to Binford Street in the Town of Kilmichael................................$ 200,000.00.

(pppp) To assist the City of Bruce, Mississippi, in paying the costs associated with * * * the following purposes:

(i) Repairs, resurfacing and other improvements to roads in the City of Bruce; and

(ii) Construction of walking and bicycle trails in the municipality...............................$ 200,000.00.

(qqqq) To assist Jones County, Mississippi, in paying the costs associated with repair and replacement of the Lower Myrick Road Bridge in Jones County............$ 380,000.00.

(rrrr) To assist Jones County, Mississippi, in paying the costs associated with repair and replacement of the Ellisville - Tuckers Crossing Bridge in Jones County....................................$1,200,000.00.

(ssss) To assist Clarke County, Mississippi, in paying the costs associated with repair and replacement of a bridge on County Road 360 in Clarke County...................$ 480,000.00.

(tttt) To assist Pearl River County, Mississippi, in paying the costs associated with repairs, leveling, resurfacing and other improvements to a portion of FZ Goss Road located between County Line Road and West Union Road in Pearl River County.................................$ 525,000.00.

(uuuu) To assist the City of Meridian, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to the 22nd Avenue-Interstate 20/Interstate 59 Overpass..$ 565,000.00.

(vvvv) To assist the City of Pass Christian, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in the City of Pass Christian.............................$ 400,000.00.

(wwww) To assist the Town of Mantachie, Mississippi, in paying the costs associated with improvements to the town's water system and sewer system infrastructure.............$ 150,000.00.

(xxxx) To assist Leake County, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to Barnes Road in Leake County.........$ 300,000.00.

(yyyy) To assist Holmes County, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to Emory Road beginning at its intersection with U.S. Highway 51 and running westerly to Interstate 55 in Holmes County....................................$ 300,000.00.

(zzzz) To assist the Town of Sallis, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in the Town of Sallis.........$ 100,000.00.

(aaaaa) To assist the Town of Ethel, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in the Town of Ethel..........$ 100,000.00.

(bbbbb) To assist the City of Senatobia, Mississippi, in paying the costs associated with repairs, reconstruction, resurfacing and other improvements to Court Street in the City of Senatobia; however, any funds that are in excess of that needed to complete such project shall be used to assist the City of Senatobia in paying the costs associated with repairs, reconstruction, resurfacing and other improvements to Ward Street in the City of Senatobia...............$ 500,000.00.

(ccccc) To assist the Town of Lambert, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in the Town of Lambert.................... ....$ 200,000.00.

(ddddd) To assist Greene County, Mississippi, in paying the costs associated with repair of a bridge on Freeman Town Road in Greene County....................................$ 250,000.00.

(eeeee) To assist the City of Jackson, Mississippi, in paying the costs associated with repair of a bridge on Hawthorne Drive between Sherwood Drive and Robin Drive in the City of Jackson.................................$ 50,000.00.

(fffff) To assist Lee County, Mississippi, in paying the costs associated with infrastructure improvements within and/or near the Hive Industrial site in Lee County...............
....$ 500,000.00.

(ggggg) To assist the City of Senatobia, Mississippi, in paying the costs associated with acquisition and repair of the New Imaging Water Association and related facilities...$ 200,000.00.

(hhhhh) To assist the Town of Bentonia, Mississippi, in paying costs associated with improvements to the town's sewer system.......................................$ 525,000.00.

(iiiii) To assist the Itawamba County, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in Itawamba County...........$ 250,000.00.

(jjjjj) To assist the Town of New Hebron, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in the Town of New Hebron......$ 50,000.00.

(kkkkk) To assist the Town of Blue Mountain, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in the Town of Blue Mountain............................$ 100,000.00.

(lllll) To assist the Town of Walnut, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in the Town of Walnut.........$ 100,000.00.

(mmmmm) To assist the Town of Falkner, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in the Town of Falkner...................... ....$ 100,000.00.

(nnnnn) To assist the City of Olive Branch, Mississippi, in paying the costs of infrastructure improvements and upgrades as necessary, including, but not limited to, repairs, resurfacing and other improvements to roads; repair and renovation of bridges; repairs and improvements to water and wastewater systems; and dam repairs...........................$1,000,000.00.

(ooooo) To assist the CREATE Foundation in paying the costs associated with repairs, renovations and upgrades at the First Christian Church in Amory, Mississippi........$ 200,000.00.

(ppppp) To assist the Tougaloo College Research Development Foundation, Inc., in paying the costs associated with completion of restoration, repair, renovation and upgrades to the interior of the historic Tougaloo College site where the Freedom Riders took refuge.........................$1,000,000.00.

(qqqqq) To assist the Town of Magnolia, Mississippi, in paying the costs associated with repair, renovation and upgrades of the town's police and fire station..............$ 500,000.00.

(rrrrr) To assist the City of Guntown, Mississippi, in paying the costs associated with the repair * * *, replacement * * *, renovation, demolition, construction and/or making any other improvements to the municipal structures on or near Main Street in the City of Guntown............$ 350,000.00.

(sssss) To assist the City of Baldwyn in paying the costs associated with repair, resurfacing and other improvements to Third Street and sewer repairs on Third Street; however, any funds that are in excess of that needed to complete such project shall be used to assist the City of Baldwyn in paying the costs associated with repairs, reconstruction, resurfacing and other improvements to streets in the City of Baldwyn......$ 213,000.00.

(ttttt) To assist Smith County, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in Smith County..............$ 450,000.00.

(uuuuu) To assist the Town of Wesson, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in the Town of Wesson.........$ 100,000.00.

(vvvvv) To assist the Town of Georgetown, Mississippi, in paying the costs associated with repairs, resurfacing and other improvements to roads in the Town of Georgetown.......................................$ 100,000.00.

(wwwww) To assist the City of Ocean Springs, Mississippi, in paying the costs associated with improvements to the city's water system and sewer system infrastructure....................................$ 500,000.00.

(xxxxx) To assist the City of Gautier, Mississippi, in paying the costs associated with infrastructure improvements at Town Green in the City of Gautier..................$ 500,000.00.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2020 Regular Session

Senate Bill 2595

Description: Governmental entities; may not prohibit wearing of traditional tribal regalia or objects of cultural significance at public events.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2020

History of Actions:

1	02/17	(S)	Referred To Accountability, Efficiency, Transparency
2	02/28	(S)	Title Suff Do Pass
3	03/11	(S)	Passed {Vote}
4	03/12	(S)	Transmitted To House
5	03/25	(H)	Referred To Accountability, Efficiency, Transparency
6	06/04	(H)	Title Suff Do Pass
7	06/16	(H)	Passed {Vote}
8	06/17	(H)	Returned For Enrolling
9	06/23	(S)	Enrolled Bill Signed
10	06/23	(H)	Enrolled Bill Signed
11	06/29		Approved by Governor

----- Additional Information -----

Senate Committee: Accountability, Efficiency, Transparency
House Committee: Accountability, Efficiency, Transparency

Principal Author: Branning
Additional Authors: Jackson (11th)

Title: AN ACT TO PROVIDE THAT A GOVERNMENTAL ENTITY MAY NOT PROHIBIT AN INDIVIDUAL FROM WEARING TRADITIONAL TRIBAL REGALIA OR OBJECTS OF CULTURAL SIGNIFICANCE AT A PUBLIC EVENT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Branning, Jackson (11th) To: Accountability, Efficiency, Transparency

SENATE BILL NO. 2595

AN ACT TO PROVIDE THAT A GOVERNMENTAL ENTITY MAY NOT PROHIBIT AN INDIVIDUAL FROM WEARING TRADITIONAL TRIBAL REGALIA OR OBJECTS OF CULTURAL SIGNIFICANCE AT A PUBLIC EVENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The Legislature recognizes that the Mississippi Band of Choctaw Indians is the only federally recognized Indian tribe in the State of Mississippi, and the purpose of this section is to help further the state's recognition of the unique cultural heritage of federally recognized Indian tribes and the state's commitment to preserving the cultural integrity of federally recognized Indian tribes.

(2) A governmental entity may not prohibit an individual from wearing traditional tribal regalia or objects of cultural significance at a public event.

(3) For purposes of this section, the following definitions apply:

(a) "Individual" means a human being, regardless of age, who is a member or descendant of a federally recognized Indian tribe.

(b) "Governmental entity" means any branch, department, agency or instrumentality of state government, or any official or other person acting under color of state law, or any political subdivision of this state.

(c) "Political subdivision" has the meaning provided in Section 11-46-1.

(d) "Public event" means an event held or sponsored by a governmental entity, including, but not limited to, an award ceremony, a graduation ceremony or public meeting.

SECTION 2. This act shall take effect and be in force from and after July 1, 2020.

Mississippi Legislature
2020 Regular Session

Senate Bill 2596

Description: Alcoholic beverages; revise penalties for sale to minors.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	02/17	(S)	Referred To Finance
2	02/27	(S)	Title Suff Do Pass
3	03/11	(S)	Amended
4	03/11	(S)	Passed As Amended {Vote}
5	03/13	(S)	Transmitted To House
6	03/25	(H)	Referred To Judiciary B; Ways and Means
7	06/09	(H)	DR - TSDPAA: JB To WM
8	06/09	(H)	DR - TSDPAA: WM To JB
9	06/09	(H)	Title Suff Do Pass As Amended
10	06/16	(H)	Amended
11	06/16	(H)	Passed As Amended {Vote}
12	06/17	(H)	Returned For Concurrence
13	06/23	(S)	Decline to Concur/Invite Conf
14	06/24	(S)	Conferees Named Harkins,Boyd,DeLano
15	06/26	(H)	Conferees Named Bain,Yates,Sanford
16	06/27	(S)	Conference Report Filed
17	06/27	(H)	Conference Report Filed
18	06/28	(H)	Conference Report Adopted {Vote}
19	06/29	(S)	Conference Report Adopted {Vote}
20	07/02	(S)	Enrolled Bill Signed
21	07/02	(H)	Enrolled Bill Signed
22	07/08		Approved by Governor

Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote
[H] Committee Amendment No 1Tabled
[H] Amendment No 2 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2596

Conference Reports:

| Conference Report

Code Section: A 067-0001-0081, A 097-0032-0051, A 097-0032-0009, A 097-0032-0007, A 097-0032-0013, A 097-0032-0021, A 097-0032-0002

----- Additional Information -----

Senate Committee: Finance
House Committee: Judiciary B, Ways and Means

Principal Author: DeLano

Title: AN ACT TO AMEND SECTION 67-1-81, MISSISSIPPI CODE OF 1972, TO REVISE THE PENALTIES FOR THE SALE OR FURNISHING OF ALCOHOLIC BEVERAGES TO A MINOR, AND TO AUTHORIZE THE COMMISSIONER OF REVENUE TO IMPOSE CERTAIN ADMINISTRATIVE PENALTIES ON ALCOHOLIC BEVERAGE PERMITTEES FOR VIOLATIONS OF THIS SECTION; TO CREATE NEW SECTION 97-32-52, MISSISSIPPI CODE OF 1972, TO DECLARE AS UNLAWFUL, AND TO PROVIDE THE PENALTIES FOR, THE SALE OR FURNISHING OF AN ALTERNATIVE NICOTINE PRODUCT TO A MINOR WITHIN 1,500 FEET OF A BUILDING ON EDUCATIONAL PROPERTY, OR WITHIN 1,000 FEET OF A CHURCH, PUBLIC PARK, BALLPARK, PUBLIC GYMNASIUM, YOUTH CENTER OR MOVIE THEATER; TO AMEND SECTION 97-32-51, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF "ALTERNATIVE NICOTINE PRODUCT," AND TO REVISE THE PENALTIES AND AGE LIMIT FOR OFFENSES CONCERNING THE DISTRIBUTION OF ALTERNATIVE NICOTINE PRODUCTS TO MINORS; TO AMEND SECTION 97-32-9, MISSISSIPPI CODE OF 1972, TO REVISE THE PENALTIES AND AGE LIMIT FOR THE PURCHASE AND POSSESSION OF TOBACCO BY MINORS, AND TO EXPAND THE PROHIBITIONS TO THE PURCHASE AND POSSESSION OF ALTERNATIVE NICOTINE PRODUCTS; TO AMEND SECTIONS 97-32-7, 97-32-13 AND 97-32-21, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE ABOVE; TO AMEND SECTION 97-32-2, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR STATEWIDE UNIFORMITY WITH RESPECT TO CERTAIN LAWS CONCERNING THE SALE, PROMOTION AND DISTRIBUTION OF ALTERNATIVE NICOTINE PRODUCTS, TOBACCO AND TOBACCO PRODUCTS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) DeLano To: Finance

SENATE BILL NO. 2596
(As Sent to Governor)

AN ACT TO AMEND SECTION 67-1-81, MISSISSIPPI CODE OF 1972, TO REVISE THE PENALTIES FOR THE SALE OR FURNISHING OF ALCOHOLIC BEVERAGES TO A MINOR, AND TO AUTHORIZE THE COMMISSIONER OF REVENUE TO IMPOSE CERTAIN ADMINISTRATIVE PENALTIES ON ALCOHOLIC BEVERAGE PERMITTEES FOR VIOLATIONS OF THIS SECTION; TO CREATE NEW SECTION 97-32-52, MISSISSIPPI CODE OF 1972, TO DECLARE AS UNLAWFUL, AND TO PROVIDE THE PENALTIES FOR, THE SALE OR FURNISHING OF AN ALTERNATIVE NICOTINE PRODUCT TO A MINOR WITHIN 1,500 FEET OF A BUILDING ON EDUCATIONAL PROPERTY, OR WITHIN 1,000 FEET OF A CHURCH, PUBLIC PARK, BALLPARK, PUBLIC GYMNASIUM, YOUTH CENTER OR MOVIE THEATER; TO AMEND SECTION 97-32-51, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF "ALTERNATIVE NICOTINE PRODUCT," AND TO REVISE THE PENALTIES AND AGE LIMIT FOR OFFENSES CONCERNING THE DISTRIBUTION OF ALTERNATIVE NICOTINE PRODUCTS TO MINORS; TO AMEND SECTION 97-32-9, MISSISSIPPI CODE OF 1972, TO REVISE THE PENALTIES AND AGE LIMIT FOR THE PURCHASE AND POSSESSION OF TOBACCO BY MINORS, AND TO EXPAND THE PROHIBITIONS TO THE PURCHASE AND POSSESSION OF ALTERNATIVE NICOTINE PRODUCTS; TO AMEND SECTIONS 97-32-7, 97-32-13 AND 97-32-21, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE ABOVE; TO AMEND SECTION 97-32-2, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR STATEWIDE UNIFORMITY WITH RESPECT TO CERTAIN LAWS CONCERNING THE SALE, PROMOTION AND DISTRIBUTION OF ALTERNATIVE NICOTINE PRODUCTS, TOBACCO AND TOBACCO PRODUCTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 67-1-81, Mississippi Code of 1972, is amended as follows:

67-1-81. (1) (a) Any permittee or other person who shall sell, furnish, dispose of, give, or cause to be sold, furnished, disposed of, or given, any alcoholic beverage to any person under the age of twenty-one (21) years shall be guilty of a misdemeanor and shall be punished by a fine of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00) for a first offense. For a second or subsequent offense, such permittee or other person shall be punished by a fine of not less than One Thousand Dollars ($1,000.00) nor more than Two Thousand Dollars ($2,000.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment in the discretion of the court. * * *

(b) (i) If a permittee, or any employee of a permittee, violates paragraph (a) of this subsection (1), then, in addition to any other penalty provided for by law, the commissioner may impose the following penalties against the permittee on whose premises the alcoholic beverages were sold, given or furnished:

1. For the first offense on the licensed premises, suspension of the permit for not more than one (1) week.

2. For a second offense occurring on the licensed premises within a twelve-month period, suspension of the permit for not more than two (2) weeks.

3. For a third offense occurring on the licensed premises within a twelve-month period, suspension of the permit for not more than three (3) weeks or revocation of the permit.

4. For a fourth or subsequent offense occurring on the licensed premises within a twelve-month period, revocation of the permit.

A violation of paragraph (a) of this subsection (1) shall be sufficient to impose the administrative penalties authorized under this paragraph (b), and any expunction of conviction shall have no effect on any administrative penalty imposed against a permittee under this paragraph (b).

(2) Any person under the age of twenty-one (21) years who purchases, receives, or has in his or her possession in any public place, any alcoholic beverages, shall be guilty of a misdemeanor and shall be punished by a fine of not less than Two Hundred Dollars ($200.00) nor more than Five Hundred Dollars ($500.00). Provided, that clearing or busing tables that have glasses or other containers that contain or did contain alcoholic beverages, or stocking, bagging or otherwise handling purchases of alcoholic beverages shall not be deemed possession of alcoholic beverages for the purposes of this section. Provided further, that a person who is at least eighteen (18) years of age but under the age of twenty-one (21) years who waits on tables by taking orders for or delivering orders of alcoholic beverages shall not be deemed to unlawfully possess or furnish alcoholic beverages if in the scope of his employment by the holder of an on-premises retailer's permit. This exception shall not authorize a person under the age of twenty-one (21) to tend bar or act in the capacity of

bartender. Any person under the age of twenty-one (21) who knowingly makes a false statement to the effect that he or she is twenty-one (21) years old or older or presents any document that indicates he or she is twenty-one (21) years of age or older for the purpose of purchasing alcoholic beverages from any person engaged in the sale of alcoholic beverages shall be guilty of a misdemeanor and shall be punished by a fine of not less than Two Hundred Dollars ($200.00) nor more than Five Hundred Dollars ($500.00), and a sentence to not more than thirty (30) days' community service.

(3) The term "community service" as used in this section shall mean work, projects or services for the benefit of the community assigned, supervised and recorded by appropriate public officials.

(4) If a person under the age of twenty-one (21) years is convicted or enters a plea of guilty of purchasing, receiving or having in his or her possession in any public place any alcoholic beverages in violation of subsection (2) of this section, the trial judge, in lieu of the penalties otherwise provided under subsection (2) of this section, shall suspend the minor's driver's license by taking and keeping it in the custody of the court for a period of time not to exceed ninety (90) days. The judge so ordering the suspension shall enter upon his docket "DEFENDANT'S DRIVER'S LICENSE SUSPENDED FOR _____ DAYS IN LIEU OF CONVICTION" and such action by the trial judge shall not constitute a

conviction. During the period that the minor's driver's license is suspended, the trial judge shall suspend the imposition of any fines or penalties that may be imposed under subsection (2) of this section and may place the minor on probation subject to such conditions as the judge deems appropriate. If the minor violates any of the conditions of probation, then the trial judge shall return the driver's license to the minor and impose the fines, penalties or both, that he would have otherwise imposed, and such action shall constitute a conviction.

SECTION 2. The following shall be codified as Section 97-32-52, Mississippi Code of 1972:

97-32-52. (1) It shall be unlawful for any person who is in, on or within one thousand five hundred (1,500) feet of a building or outbuilding which is all or part of educational property as defined by Section 97-37-17 to sell or furnish an alternative nicotine product to any individual under twenty-one (21) years of age. Each violation of the provisions of this subsection (1) shall be treated as a separate offense.

(2) Upon conviction for violation of the provisions in subsection (1) of this section, the offender shall be punished as follows:

(a) For a first offense, a fine of Five Hundred Dollars ($500.00), and no more than twenty (20) hours of community service;

(b) For a second offense, a fine of One Thousand Dollars ($1,000.00), and no more than thirty (30) hours of community service; and

(c) For a third offense or subsequent offense, a fine of One Thousand Five Hundred Dollars ($1,500.00), and no more than fifty (50) hours of community service.

(3) It shall be unlawful for any person who is in, on or within one thousand (1,000) feet of any church, public park, ballpark, public gymnasium, youth center or movie theater to sell or furnish an alternative nicotine product to any individual under twenty-one (21) years of age. Each violation of the provisions of this subsection (3) shall be treated as a separate offense.

(4) Upon conviction for violation of the provisions in subsection (3) of this section, the offender shall be punished with treble the fines and community service described in subsection (2) of this section.

(5) If the alternative nicotine product sold or furnished in violation of this section contains any controlled substance that is otherwise prohibited by law, or any other substance that causes the recipient to require emergency medical care as a result of using the product, the penalty, upon conviction, shall be treble the fines and community service described in subsection (2) of this section, plus any other penalty provided by law for the sale or furnishing of the controlled substance or other substance.

SECTION 3. Section 97-32-51, Mississippi Code of 1972, is amended as follows:

97-32-51. (1) For the purposes of this * * * chapter:

(a) (i) "Alternative nicotine product" means:

1. An electronic cigarette; * * *

2. Any other product that consists of or contains nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling or by any other means * * *;

3. Any electronic device that can be used to deliver nicotine to an individual inhaling from the device, including, but not limited to, any cartridge component, liquid, capsule or powder used to refill or resupply such an electronic device; or

4. An electronic cigar or cigarillo.

(ii) Alternative nicotine product does not include:

1. A cigarette or other tobacco product as defined in Section 97-32-3;

2. A product that is a drug under 21 USCS 321(g)(1);

3. A product that is a device under 21 USCS 321(h); or

4. A combination product described in 21 USCS 353(g).

(b) (i) "Electronic cigarette" means an electronic product or device that produces a vapor that delivers nicotine or other substances to the person inhaling from the device to simulate smoking, and is likely to be offered to, or purchased by, consumers as an electronic cigarette, electronic cigar, electronic cigarillo or electronic pipe.

(ii) Electronic cigarette does not include:

1. A cigarette or other tobacco products as defined in Section 97-32-3;

2. A product that is a drug under 21 USCS 321(g)(1);

3. A product that is a device under 21 USCS 321(h); or

4. A combination product described in 21 USCS 353(g).

(2) No person, either directly or indirectly by an agent or employee, or by a vending machine owned by the person or located in the person's establishment, shall sell, offer for sale, give or furnish any alternative nicotine product, or any cartridge * * *, component * * *, liquid, capsule or powder thereof, to an individual under * * * twenty-one (21) years of age. The penalties described in this subsection shall be treble the fines described in this section, plus any other penalty provided by law, for the sale, use, possession or furnishing of a controlled substance or other substance to a person, if the alternative

nicotine product contains any controlled substance that is otherwise prohibited by law, or any other substance that causes the recipient of such to require emergency medical care as a result of using the product. Each violation of the provisions of this section shall be treated as a separate offense. A violation of this subsection is punishable as follows:

(a) By a fine of * * * Two Hundred Fifty Dollars ($250.00) for a first offense;

(b) By a fine of * * * Five Hundred Dollars ($500.00) for a second offense; and

(c) By a fine of * * * One Thousand Dollars ($1,000.00) for a third or subsequent offense.

(3) Before selling, offering for sale, giving or furnishing an alternative nicotine product, or any cartridge * * *, component * * * liquid, capsule or powder thereof, to an individual, a person shall verify that the individual is at least * * * twenty-one (21) years of age by:

(a) Examining from any individual that appears to be under twenty-seven (27) years of age a government-issued photographic identification that establishes the individual is at least * * * twenty-one (21) years of age; or

(b) For sales made through the internet or other remote sales methods, performing an age verification through an independent, third-party age verification service that compares information available from public records to the personal information entered by the individual during the ordering process that establishes the individual is * * * twenty-one (21) years of age or older.

SECTION 4. Section 97-32-9, Mississippi Code of 1972, is amended as follows:

97-32-9. No person under * * * twenty-one (21) years of age shall purchase any tobacco or alternative nicotine product. No student of any high school, junior high school or elementary school shall possess tobacco or alternative nicotine on any educational property as defined in Section 97-37-17.

(a) If a person under * * * twenty-one (21) years of age is found by a court to be in violation of any other statute and is also found to be in possession of a tobacco or alternative nicotine product, the court * * * shall punish the minor as follows:

(i) For a first offense, pay a fine of One Hundred Dollars ($100.00), and perform no more than fifteen (15) hours of community service;

(ii) For a second offense, a fine of Three Hundred Dollars ($300.00), and no more than twenty-five (25) hours of community service;

(iii) For a third offense or subsequent offense, a fine of Five Hundred Dollars ($500.00), and no more than forty (40) hours of community service.

(b) A violation under this section is not to be recorded on the criminal history of the minor and, upon proof of satisfaction of the court's order, the record shall be expunged from any records other than youth court records.

SECTION 5. Section 97-32-7, Mississippi Code of 1972, is amended as follows:

97-32-7. (1) Every person engaged in the business of selling tobacco products or alternative nicotine products at retail shall notify each individual employed by that person as a retail sales clerk that state law:

(a) Prohibits the sale or distribution of tobacco products or alternative nicotine products, including samples, to any person under * * * twenty-one (21) years of age and the purchase or receipt of tobacco products or alternative nicotine products by any person under * * * twenty-one (21) years of age * * *; and

(b) Requires that proof of age be demanded from a prospective purchaser or recipient if the prospective purchaser or recipient is under the age of * * * twenty-one (21) years. Every person employed by a person engaged in the business of selling tobacco products or alternative nicotine products at retail shall sign an agreement with his employer in substantially the following or similar form:

"I understand that state and federal law prohibit the sale or distribution of tobacco products and alternative nicotine products to persons under the age of * * * twenty-one (21) years and out-of-package sales, and requires that proof of age be demanded from a prospective purchaser or recipient under * * * twenty-one (21) years of age if the individual is not known to the seller, barterer, deliverer or giver of the tobacco product or alternative nicotine product to be over the age of * * * twenty-one (21) years. I promise, as a condition of my employment, to observe this law."

(2) Any person violating the provisions of this section shall be penalized not less than Fifty Dollars ($50.00) nor more than One Hundred Dollars ($100.00).

(3) No retailer who instructs his employee as provided in this section shall be liable for any violations committed by such employees.

SECTION 6. Section 97-32-13, Mississippi Code of 1972, is amended as follows:

97-32-13. Any person under the age of * * * twenty-one (21) years who falsely states he is * * * twenty-one (21) years of age or older, or presents any document that indicates he is * * * twenty-one (21) years of age or older, for the purpose of purchasing or possessing any alternative nicotine product, tobacco or tobacco product shall be penalized not less than Twenty-five Dollars ($25.00) nor more than Two Hundred Dollars ($200.00) or required to complete at least thirty (30) days' community service, or both.

SECTION 7. Section 97-32-21, Mississippi Code of 1972, is amended as follows:

97-32-21. The Office of the Attorney General or local law enforcement agencies shall at least annually conduct random, unannounced inspections at locations where alternative nicotine products, tobacco or tobacco products are sold or distributed to ensure compliance with the Mississippi Juvenile Tobacco * * * Access Prevention Act of 1997. Persons under the age of * * * twenty-one (21) years may be enlisted by the Office of the Attorney General or local law enforcement to test compliance with the Mississippi Juvenile Tobacco Access Prevention Act of 1997, provided that the parent or legal guardian of the person under * * * twenty-one (21) years of age so utilized has given prior written consent for the minor's participation in unannounced inspections. The Office of the Attorney General must prepare a report of the findings, and report these findings to the Department of Health and Department of Mental Health. The Department of Mental Health shall prepare the annual report required by Section 1926, subpart 1 of Part B, Title XIX of the Federal Public Health Service Act (42 USCS 300X-26). The report shall be approved by the Governor and then promptly transmitted to the Secretary of the United States Department of Health and Human Services.

SECTION 8. Section 97-32-2, Mississippi Code of 1972, is amended as follows:

97-32-2. It is the intent of the Legislature that enforcement of this chapter be implemented in an equitable manner throughout the state. The provisions of Sections 97-32-5, 97-32-7, 97-32-9, 97-32-11, 97-32-13, 97-32-15, 97-32-17, 97-32-19 * * *, 97-32-21 and 97-32-51 shall supersede any existing or subsequently enacted local law, ordinance or regulation which relates to the sale, promotion and distribution of alternative nicotine products, tobacco and tobacco products.

SECTION 9. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2020 Regular Session

Senate Bill 2610

Description: Coordinator of Mental Health Accessibility; establish.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	02/17	(S)	Referred To Public Health and Welfare
2	02/26	(S)	Title Suff Do Pass Comm Sub
3	03/11	(S)	Committee Substitute Failed
4	03/11	(S)	Amended
5	03/11	(S)	Passed As Amended {Vote}
6	03/13	(S)	Transmitted To House
7	03/25	(H)	Rereferred To Public Health and Human Services
8	06/03	(H)	Title Suff Do Pass As Amended
9	06/12	(H)	Amended
10	06/12	(H)	Passed As Amended {Vote}
11	06/16	(H)	Returned For Concurrence
12	06/19	(S)	Decline to Concur/Invite Conf
13	06/22	(S)	Conferees Named Bryan,Hopson,Polk
14	06/24	(H)	Conferees Named Mims,McGee,Scoggin
15	06/29	(H)	Conference Report Filed
16	06/29	(S)	Conference Report Filed
17	06/30	(H)	Conference Report Adopted {Vote}
18	06/30	(S)	Conference Report Adopted {Vote}
19	07/02	(S)	Enrolled Bill Signed
20	07/02	(H)	Enrolled Bill Signed
21	07/08		Approved by Governor

Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2610

Conference Reports:
| Conference Report

Code Section: A 041-0004-0007, A 041-0019-0033

----- Additional Information -----

Senate Committee: Public Health and Welfare
House Committee: Public Health and Human Services

Principal Author: Bryan
Additional Authors: McLendon, Jordan, Thomas, Jackson (11th), Horhn, Blackwell, Witherspoon

Title: AN ACT TO ENACT THE ROSE ISABEL WILLIAMS MENTAL HEALTH REFORM ACT OF 2020; TO DEFINE CERTAIN TERMS; TO CREATE THE POSITION OF THE COORDINATOR OF MENTAL HEALTH ACCESSIBILITY WITHIN THE DEPARTMENT OF FINANCE AND ADMINISTRATION; TO PROVIDE THAT THE COORDINATOR SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT AND SHALL SERVE AT THE WILL AND PLEASURE OF THE EXECUTIVE DIRECTOR; TO PROVIDE THE MINIMUM QUALIFICATIONS OF THE COORDINATOR AND PROVIDE FOR PAYMENT OF THE EXPENSES OF THE COORDINATOR; TO REQUIRE THE COORDINATOR TO PERFORM A COMPREHENSIVE REVIEW OF THE MENTAL HEALTH SYSTEM, TO CONSULT WITH CERTAIN DEPARTMENTS AND ENTITIES, TO REVIEW THE QUARTERLY FINANCIAL STATEMENTS AND STATUS REPORTS OF THE INDIVIDUAL COMMUNITY MENTAL HEALTH CENTERS, TO DETERMINE WHERE IN ANY COUNTY OR GEOGRAPHIC AREA WITHIN A COUNTY THE DELIVERY OR AVAILABILITY OF MENTAL HEALTH SERVICES ARE INADEQUATE, AND TO REPORT ON THE STATUS OF THE MENTAL HEALTH SYSTEM TO CERTAIN GOVERNMENTAL AUTHORITIES; TO AUTHORIZE THE COORDINATOR TO HIRE STAFF; TO AUTHORIZE THE COORDINATOR TO INSPECT FACILITIES WITHIN THE MENTAL HEALTH SYSTEM, TO INTERVIEW CERTAIN PERSONS, AND TO ACCESS CERTAIN PROGRAMS, SERVICES, DOCUMENTS AND MATERIALS; TO REQUIRE THE COORDINATOR TO COMMUNICATE WITH THE COUNTY BOARD OF SUPERVISORS AND THE REGIONAL COMMISSION FOR THE COUNTY OR GEOGRAPHIC AREA WHERE MENTAL HEALTH SERVICES ARE INADEQUATE TO DETERMINE IF A PLAN IS BEING EXECUTED OR DEVELOPED TO INCREASE ACCESS TO MENTAL HEALTH SERVICES; TO HAVE THE COORDINATOR ASSESS THE VIABILITY OF ANY SUCH PLAN; TO REQUIRE THE COORDINATOR, WHEN ANY SUCH PLAN IS DETERMINED TO BE INSUFFICIENT, TO DEVELOP AND IMPLEMENT HIS OR HER OWN PLAN TO FACILITATE INCREASED ACCESS TO MENTAL HEALTH SERVICES IN THE COUNTY OR GEOGRAPHIC AREA WHERE MENTAL HEALTH SERVICES ARE INADEQUATE; TO REQUIRE THE COORDINATOR TO FIRST MEET WITH THE BOARD OF SUPERVISORS OF THE COUNTY IN WHICH THE MENTAL HEALTH SERVICES ARE INADEQUATE AND THE REGIONAL COMMISSION IN WHICH THE COUNTY IS LOCATED TO EXPLAIN IN DETAIL THE POSSIBLE CONSEQUENCES OF THE FAILURE OF THE COUNTY AND COMMISSION TO ADDRESS THE INADEQUACY OF THE AVAILABLE MENTAL HEALTH SERVICES IN THE COUNTY OR THE GEOGRAPHIC AREA WITHIN THE

COUNTY; TO REQUIRE THE COORDINATOR TO THEN WORK WITH THE REGIONAL COMMISSIONS THAT ARE ADJACENT TO THE COUNTY OR THE GEOGRAPHIC AREA WHERE MENTAL HEALTH SERVICES ARE INADEQUATE TO DETERMINE IF ONE OF THOSE REGIONAL COMMISSIONS IS WILLING TO PROVIDE THOSE SERVICES IN THE COUNTY OR GEOGRAPHIC AREA; TO PROVIDE THAT IF A REGIONAL COMMISSION IS WILLING TO PROVIDE THOSE SERVICES, THE COORDINATOR SHALL TAKE ALL NECESSARY STEPS TO FACILITATE THE TRANSFER OF THE RESPONSIBILITY OF PROVIDING THOSE SERVICES TO THAT REGIONAL COMMISSION; TO PROVIDE THAT IF NO REGIONAL COMMISSION ADJACENT TO THE COUNTY OR THE GEOGRAPHIC AREA WHERE MENTAL HEALTH SERVICES ARE INADEQUATE IS WILLING TO PROVIDE THOSE SERVICES IN THE COUNTY OR GEOGRAPHIC AREA, THE COORDINATOR THEN SHALL WORK WITH NONADJACENT REGIONAL COMMISSIONS TO DETERMINE IF ONE OF THOSE REGIONAL COMMISSIONS IS WILLING TO PROVIDE THOSE SERVICES IN THE COUNTY OR GEOGRAPHIC AREA; TO PROVIDE THAT IF THE COORDINATOR DETERMINES THAT NO REGIONAL COMMISSION IN THE STATE IS WILLING TO PROVIDE THE NECESSARY MENTAL HEALTH SERVICES IN THE COUNTY OR THE GEOGRAPHIC AREA WITHIN THE COUNTY WHERE THE SERVICES ARE INADEQUATE, THE COORDINATOR SHALL NOTIFY THE STATE BOARD OF MENTAL HEALTH; TO PROVIDE THAT THE BOARD THEN SHALL ISSUE A REQUEST FOR PROPOSALS TO OBTAIN PUBLIC OR PRIVATE PROVIDERS OF MENTAL HEALTH SERVICES TO PROVIDE THE NECESSARY MENTAL HEALTH SERVICES IN THE COUNTY OR THE GEOGRAPHIC AREA WITHIN THE COUNTY WHERE THE SERVICES ARE INADEQUATE; TO REQUIRE CERTAIN AGENCIES AND THE REGIONAL COMMISSIONS TO COOPERATE WITH THE COORDINATOR; TO AMEND SECTIONS 41-4-7 AND 41-19-33, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT WHEN A REGIONAL COMMISSION IS PLACED ON PROBATION BY THE STATE DEPARTMENT OF MENTAL HEALTH FOR DEFICIENCIES IN THE COMMISSION'S PLAN BASED ON THE MINIMUM STANDARDS AND MINIMUM REQUIRED SERVICES, THE REGIONAL COMMISSION SHALL DEVELOP A SUSTAINABILITY BUSINESS PLAN WITHIN 30 DAYS OF BEING PLACED ON PROBATION, WHICH SHALL INCLUDE POLICIES TO ADDRESS CERTAIN SPECIFIED MATTERS; TO PROVIDE THAT THE DEPARTMENT SHALL PROVIDE ORIENTATION TRAINING TO ALL NEW COMMISSIONERS OF REGIONAL COMMISSIONS AND ANNUAL TRAINING FOR ALL COMMISSIONERS WITH CONTINUING EDUCATION REGARDING THE MENTAL HEALTH SYSTEM AND SERVICES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Bryan, McLendon, Jordan, Thomas, Jackson (11th), Horhn, Blackwell, Witherspoon

To: Public Health and Welfare

SENATE BILL NO. 2610
(As Sent to Governor)

AN ACT TO ENACT THE ROSE ISABEL WILLIAMS MENTAL HEALTH REFORM ACT OF 2020; TO DEFINE CERTAIN TERMS; TO CREATE THE POSITION OF THE COORDINATOR OF MENTAL HEALTH ACCESSIBILITY WITHIN THE DEPARTMENT OF FINANCE AND ADMINISTRATION; TO PROVIDE THAT THE COORDINATOR SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT AND SHALL SERVE AT THE WILL AND PLEASURE OF THE EXECUTIVE DIRECTOR; TO PROVIDE THE MINIMUM QUALIFICATIONS OF THE COORDINATOR AND PROVIDE FOR PAYMENT OF THE EXPENSES OF THE COORDINATOR; TO REQUIRE THE COORDINATOR TO PERFORM A COMPREHENSIVE REVIEW OF THE MENTAL HEALTH SYSTEM, TO CONSULT WITH CERTAIN DEPARTMENTS AND ENTITIES, TO REVIEW THE QUARTERLY FINANCIAL STATEMENTS AND STATUS REPORTS OF THE INDIVIDUAL COMMUNITY MENTAL HEALTH CENTERS, TO DETERMINE WHERE IN ANY COUNTY OR GEOGRAPHIC AREA WITHIN A COUNTY THE DELIVERY OR AVAILABILITY OF MENTAL HEALTH SERVICES ARE INADEQUATE, AND TO REPORT ON THE STATUS OF THE MENTAL HEALTH SYSTEM TO CERTAIN GOVERNMENTAL AUTHORITIES; TO AUTHORIZE THE COORDINATOR TO HIRE STAFF; TO AUTHORIZE THE COORDINATOR TO INSPECT FACILITIES WITHIN THE MENTAL HEALTH SYSTEM, TO INTERVIEW CERTAIN PERSONS, AND TO ACCESS CERTAIN PROGRAMS, SERVICES, DOCUMENTS AND MATERIALS; TO REQUIRE THE COORDINATOR TO COMMUNICATE WITH THE COUNTY BOARD OF SUPERVISORS AND THE REGIONAL COMMISSION FOR THE COUNTY OR GEOGRAPHIC AREA WHERE MENTAL HEALTH SERVICES ARE INADEQUATE TO DETERMINE IF A PLAN IS BEING EXECUTED OR DEVELOPED TO INCREASE ACCESS TO MENTAL HEALTH SERVICES; TO HAVE THE COORDINATOR ASSESS THE VIABILITY OF ANY SUCH PLAN; TO REQUIRE THE COORDINATOR, WHEN ANY SUCH PLAN IS DETERMINED TO BE INSUFFICIENT, TO DEVELOP AND IMPLEMENT HIS OR HER OWN PLAN TO FACILITATE INCREASED ACCESS TO MENTAL HEALTH SERVICES IN THE COUNTY OR GEOGRAPHIC AREA WHERE MENTAL HEALTH SERVICES ARE INADEQUATE; TO REQUIRE THE COORDINATOR TO FIRST MEET WITH THE BOARD OF SUPERVISORS OF THE COUNTY IN WHICH THE MENTAL HEALTH SERVICES ARE INADEQUATE AND THE REGIONAL COMMISSION IN WHICH THE COUNTY IS LOCATED TO EXPLAIN IN DETAIL THE POSSIBLE CONSEQUENCES OF THE FAILURE OF THE COUNTY AND COMMISSION TO ADDRESS THE INADEQUACY OF

THE AVAILABLE MENTAL HEALTH SERVICES IN THE COUNTY OR THE GEOGRAPHIC AREA WITHIN THE COUNTY; TO REQUIRE THE COORDINATOR TO THEN WORK WITH THE REGIONAL COMMISSIONS THAT ARE ADJACENT TO THE COUNTY OR THE GEOGRAPHIC AREA WHERE MENTAL HEALTH SERVICES ARE INADEQUATE TO DETERMINE IF ONE OF THOSE REGIONAL COMMISSIONS IS WILLING TO PROVIDE THOSE SERVICES IN THE COUNTY OR GEOGRAPHIC AREA; TO PROVIDE THAT IF A REGIONAL COMMISSION IS WILLING TO PROVIDE THOSE SERVICES, THE COORDINATOR SHALL TAKE ALL NECESSARY STEPS TO FACILITATE THE TRANSFER OF THE RESPONSIBILITY OF PROVIDING THOSE SERVICES TO THAT REGIONAL COMMISSION; TO PROVIDE THAT IF NO REGIONAL COMMISSION ADJACENT TO THE COUNTY OR THE GEOGRAPHIC AREA WHERE MENTAL HEALTH SERVICES ARE INADEQUATE IS WILLING TO PROVIDE THOSE SERVICES IN THE COUNTY OR GEOGRAPHIC AREA, THE COORDINATOR THEN SHALL WORK WITH NONADJACENT REGIONAL COMMISSIONS TO DETERMINE IF ONE OF THOSE REGIONAL COMMISSIONS IS WILLING TO PROVIDE THOSE SERVICES IN THE COUNTY OR GEOGRAPHIC AREA; TO PROVIDE THAT IF THE COORDINATOR DETERMINES THAT NO REGIONAL COMMISSION IN THE STATE IS WILLING TO PROVIDE THE NECESSARY MENTAL HEALTH SERVICES IN THE COUNTY OR THE GEOGRAPHIC AREA WITHIN THE COUNTY WHERE THE SERVICES ARE INADEQUATE, THE COORDINATOR SHALL NOTIFY THE STATE BOARD OF MENTAL HEALTH; TO PROVIDE THAT THE BOARD THEN SHALL ISSUE A REQUEST FOR PROPOSALS TO OBTAIN PUBLIC OR PRIVATE PROVIDERS OF MENTAL HEALTH SERVICES TO PROVIDE THE NECESSARY MENTAL HEALTH SERVICES IN THE COUNTY OR THE GEOGRAPHIC AREA WITHIN THE COUNTY WHERE THE SERVICES ARE INADEQUATE; TO REQUIRE CERTAIN AGENCIES AND THE REGIONAL COMMISSIONS TO COOPERATE WITH THE COORDINATOR; TO AMEND SECTIONS 41-4-7 AND 41-19-33, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT WHEN A REGIONAL COMMISSION IS PLACED ON PROBATION BY THE STATE DEPARTMENT OF MENTAL HEALTH FOR DEFICIENCIES IN THE COMMISSION'S PLAN BASED ON THE MINIMUM STANDARDS AND MINIMUM REQUIRED SERVICES, THE REGIONAL COMMISSION SHALL DEVELOP A SUSTAINABILITY BUSINESS PLAN WITHIN 30 DAYS OF BEING PLACED ON PROBATION, WHICH SHALL INCLUDE POLICIES TO ADDRESS CERTAIN SPECIFIED MATTERS; TO PROVIDE THAT THE DEPARTMENT SHALL PROVIDE ORIENTATION TRAINING TO ALL NEW COMMISSIONERS OF REGIONAL COMMISSIONS AND ANNUAL TRAINING FOR ALL COMMISSIONERS WITH CONTINUING EDUCATION REGARDING THE MENTAL HEALTH SYSTEM AND SERVICES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This act shall be known and may be cited as the Rose Isabel Williams Mental Health Reform Act of 2020. The goal of the act is to reform the current Mississippi mental health delivery system so that necessary services, supports and operational structures for all its citizens with mental illness and/or alcohol and drug dependence and/or comorbidity, whether children, youth or adults, are accessible and delivered preferably in the communities where these citizens live. To accomplish this goal, this act provides for a Coordinator of Mental Health Accessibility with the powers and duties set forth in this act.

SECTION 2. As used in this act, the following terms shall have the following meanings, unless the context clearly indicates a different meaning:

(a) "Community mental health center" means a facility authorized under Section 41-19-33.

(b) "Mental health services" includes all services offered by the mental health system in Mississippi, including, but not limited to, the following:

(i) Community mental health services, including:

1. Programs of assertive community treatment;
2. Mobile crisis response services;
3. Crisis stabilization units;
4. Community support services;
5. Peer support services;
6. Supported employment; and
7. Permanent supported housing; and

(ii) Institutional mental health services, which are services that encompass civil commitment or hospitalization in a psychiatric hospital;

(iii) Mental health services provided in facilities authorized in Title 47, Mississippi Code of 1972;

(iv) Core adult mental health services;

(v) Child mental health services;

(vi) Intellectual/developmental disability services;

(vii) Substance abuse prevention and treatment/rehabilitation services; and

(viii) Any combination of the services defined in this paragraph (b).

(c) "Mental health system" means the facilities, institutions, centers, entities, persons and providers that provide mental health services in Mississippi.

(d) "Regional commission" means a commission established in Section 41-19-33.

SECTION 3. (1) There is created within the Department of Finance and Administration a position to be known as the Coordinator of Mental Health Accessibility. The coordinator shall be appointed by the Executive Director of the Department of Finance and Administration and shall serve at the will and pleasure of the executive director. The executive director shall appoint the coordinator within thirty (30) days from the effective date of this act.

(2) The coordinator must have a master's degree, doctoral degree or juris doctorate from an accredited institution of higher

learning and have not less than five (5) years of professional experience.

(3) The coordinator shall be housed at the State Department of Mental Health. All of the expenses of the coordinator, including the coordinator's salary and the salaries of any staff of the coordinator, shall be paid out of funds appropriated to the State Department of Mental Health.

SECTION 4. The coordinator shall have the following powers and duties:

(a) To perform a comprehensive review of Mississippi's mental health system to determine whether mental health services, including community mental health services, are offered in each county and available to the entire population of each county, especially to those with serious and persistent mental illness.

(b) To analyze and review the structure of the mental health system.

(c) To review the adequacy and quality of the individualized supports and services provided to persons discharged from the state hospitals or to persons at risk of institutionalization throughout the state.

(d) To review the quarterly financial statements and status reports of the individual community mental health centers described in Section 41-19-33(3)(b).

(e) To consult with the Special Master appointed in the United States of America v. State of Mississippi, No.

3:16-CV-622-CWR-FKB (S.D. Miss. Feb. 25, 2020) or any monitor or other person appointed by the court, the State Department of Mental Health, the Division of Medicaid, the State Department of Rehabilitation Services, the State Department of Health, county boards of supervisors, regional commissions, community mental health centers, mental health advocates, community leaders and any other necessary parties or entities, both private and governmental, regarding the status of the services offered by Mississippi's mental health system.

(f) To determine where in any county, or geographic area within a county, the delivery or availability of mental health services are inadequate.

(g) To determine whether each community mental health center has sufficient funds to provide the required mental health services.

(h) To report on the status of the mental health system quarterly to the Governor, the Lieutenant Governor, the Speaker of the House, the State Department of Mental Health, the regional commissions, the Division of Medicaid, the State Department of Rehabilitative Services, the State Department of Health, the Department of Finance and Administration, the PEER Committee and the Legislative Budget Office. The coordinator shall deliver the quarterly status report to the Secretary of the Senate and the Clerk of the House, who shall disseminate the report to the appropriate members.

(i) In addition to the quarterly report required by paragraph (h), to provide the PEER Committee each quarter with a financial report, assessment and review of each community mental health region and the services provided by the region, together with findings by the coordinator on other relevant matters relating to the region. The State Department of Mental Health and the regional commissions shall cooperate with the PEER Committee in its assessment and review of the community mental health regions and shall provide the committee with all necessary information and documentation as requested by the committee.

SECTION 5. In fulfilling the responsibilities of this act, the coordinator may, subject to federal law:

(a) Hire staff needed for the performance of his or her duties under this act, subject to the approval of the State Board of Mental Health and provided that funds are specifically appropriated for that purpose. The State Department of Mental Health, upon request from the coordinator, may supplement the staff of the coordinator. The coordinator shall have full control over any staff hired and any staff provided by the department under this paragraph (a);

(b) Enter any part of the mental health system, including any facility or building used to provide mental health services.

(c) Interview, on a confidential basis or otherwise, persons and employees in the mental health system.

(d) Access services, documents, records, programs and materials as necessary to assess the status of the mental health system.

(e) Recommend changes to any portion of the mental health system either in the coordinator's status reports or to the board(s) of supervisors or regional commissions or to the State Department of Mental Health or as otherwise determined to be necessary by the coordinator.

(f) Develop and implement a plan to provide access to mental health services in any county or geographic area within a county, where services are determined to be inadequate, if required by Section 6 of this act.

(g) Communicate with any governmental entity as is necessary to fulfill the coordinator's duties under this act.

(h) Perform any other actions as the coordinator deems necessary to fulfill the coordinator's duties under this act.

SECTION 6. (1) When the coordinator determines that a county or a geographic area within a county offers inadequate mental health services, the coordinator shall inform the board(s) of supervisors and the regional commission of the geographic areas where the services are inadequate.

(2) When the coordinator determines services are inadequate, the coordinator shall determine if there is a plan in place or a plan being developed to increase access to mental health services in that county or the geographic area within the county where

mental health services are inadequate and shall assess the viability of the plan, including its sufficiency to address the inadequacy of the available mental health services.

(3) If there is no plan in place or being developed, the coordinator may allow the county board of supervisors or the regional commission a reasonable time to develop and implement a plan.

(4) If the coordinator determines that the plan is or will be insufficient to provide mental health services to the population of the county or the geographic area within the county where the services are inadequate, the coordinator shall develop and implement a plan to facilitate increased access to mental health services in the county or geographic area by:

(a) First meeting with the board of supervisors of the county in which the mental health services are inadequate and the regional commission in which the county is located to explain in detail the possible consequences of the failure of the county and commission to address the inadequacy of the available mental health services in the county or the geographic area within the county, which shall include putting the regional commission on probation and ultimately decertifying the commission. Then the coordinator shall work with one or more of the regional commissions that are adjacent to the county or the geographic area within the county where the mental health services are inadequate to determine if one of those regional commissions is willing to provide those services in the county or geographic area, and if a regional commission is willing to do so, the coordinator shall take all necessary steps to facilitate the transfer of the responsibility of providing those services to that regional commission; or

(b) If no regional commission adjacent to the county or the geographic area within the county where the mental health services are inadequate is willing to provide those services in the county or geographic area, then working with one or more of the regional commissions that are not adjacent to the county or geographic area to determine if one of those regional commissions is willing to provide those services in the county or geographic area.

(5) If the coordinator determines that no regional commission in the state is willing to provide the necessary mental health services in the county or the geographic area within the county where the services are inadequate, the coordinator shall notify the State Board of Mental Health. Within a reasonable time after receiving such notice from the coordinator, the board shall issue a request for proposals to obtain public or private providers of mental health services to provide the necessary mental health services in the county or the geographic area within the county where the services are inadequate. The request for proposals process followed by the board to obtain those services

shall not be subject to the rules, regulations or approval of the Public Procurement Review Board.

SECTION 7. The State Department of Mental Health, the regional commissions, the Division of Medicaid, the State Department of Rehabilitation Services, the State Department of Health, the PEER Committee, and the Legislative Budget Office shall cooperate with the coordinator under this act and shall allow the coordinator or his or her staff to, as it relates to the performing of his or her duties:

(a) Enter any part of the mental health system, including any facility or building used to provide mental health services;

(b) Interview any person employed by or receiving services from the respective entity; and

(c) Access services, documents, records, programs and materials as necessary to assess the status of the mental health system.

SECTION 8. Section 41-4-7, Mississippi Code of 1972, is amended as follows:

41-4-7. The State Board of Mental Health shall have the following powers and duties:

(a) To appoint a full-time Executive Director of the Department of Mental Health, who shall be employed by the board and shall serve as executive secretary to the board. The first director shall be a duly licensed physician with special interest and competence in psychiatry, and shall possess a minimum of three (3) years' experience in clinical and administrative psychiatry. Subsequent directors shall possess at least a master's degree or its equivalent, and shall possess at least ten (10) years' administrative experience in the field of mental health. The salary of the executive director shall be determined by the board;

(b) To appoint a Medical Director for the Department of Mental Health. The medical director shall provide clinical oversight in the implementation of evidence-based and best practices; provide clinical leadership in the integration of mental health, intellectual disability and addiction services with community partners in the public and private sectors; and provide oversight regarding standards of care. The medical director shall serve at the will and pleasure of the board, and will undergo an annual review of job performance and future service to the department;

(c) To cooperate with the Strategic Planning and Best Practices Committee created in Section 41-4-10, Mississippi Code of 1972, in establishing and implementing its state strategic plan;

(d) To develop a strategic plan for the development of services for persons with mental illness, persons with developmental disabilities and other clients of the public mental health system. Such strategic planning program shall require that the board, acting through the Strategic Planning and Best

Practices Committee, perform the following functions respecting the delivery of services:

(i) Establish measures for determining the efficiency and effectiveness of the services specified in Section 41-4-1(2);

(ii) Conducting studies of community-based care in other jurisdictions to determine which services offered in these jurisdictions have the potential to provide the citizens of Mississippi with more effective and efficient community-based care;

(iii) Evaluating the efficiency and effectiveness of the services specified in Section 41-4-1(2);

(iv) Recommending to the Legislature by January 1, 2014, any necessary additions, deletions or other changes necessary to the services specified in Section 41-4-1(2);

(v) Implementing by July 1, 2012, a system of performance measures for the services specified in Section 41-4-1(2);

(vi) Recommending to the Legislature any changes that the department believes are necessary to the current laws addressing civil commitment;

(vii) Conducting any other activities necessary to the evaluation and study of the services specified in Section 41-4-1(2);

(viii) Assisting in conducting all necessary strategic planning for the delivery of all other services of the department. Such planning shall be conducted so as to produce a single strategic plan for the services delivered by the public mental health system and shall establish appropriate mission statements, goals, objectives and performance indicators for all programs and services of the public mental health system. For services other than those specified in Section 41-4-1(2), the committee shall recommend to the State Board of Mental Health a strategic plan that the board may adopt or modify;

(e) To set up state plans for the purpose of controlling and treating any and all forms of mental and emotional illness, alcoholism, drug misuse and developmental disabilities;

(f) [Repealed]

(g) To enter into contracts with any other state or federal agency, or with any private person, organization or group capable of contracting, if it finds such action to be in the public interest;

(h) To collect reasonable fees for its services; however, if it is determined that a person receiving services is unable to pay the total fee, the department shall collect any amount such person is able to pay;

(i) To certify, coordinate and establish minimum standards and establish minimum required services, as specified in Section 41-4-1(2), for regional mental health and intellectual disability commissions and other community service providers for community or regional programs and services in adult mental health, children and youth mental health, intellectual disabilities, alcoholism, drug misuse, developmental disabilities, compulsive gambling, addictive disorders and related programs throughout the state. Such regional mental health and intellectual disability commissions and other community service providers shall, on or before July 1 of each year, submit an annual operational plan to the State Department of Mental Health for approval or disapproval based on the minimum standards and minimum required services established by the department for certification and itemize the services specified in Section 41-4-1(2), including financial statements. As part of the annual operation plan required by this paragraph (i) submitted by any regional community mental health center or by any other reasonable certification deemed acceptable by the department, the community mental health center shall state those services specified in Section 41-4-1(2) that it will provide and also those services that it will not provide. If the department finds deficiencies in the plan of any regional commission or community service provider based on the minimum standards and minimum required services established for certification, the department shall give the regional commission or community service provider a six-month probationary period to bring its standards and services up to the established minimum standards and minimum required services. The regional commission or community service provider shall develop a sustainability business plan within thirty (30) days of being placed on probation, which shall be signed by all commissioners and shall include policies to address one or more of the following: the deficiencies in programmatic services, clinical service staff expectations, timely and appropriate billing, processes to obtain credentialing for staff, monthly reporting processes, third-party financial reporting and any other required documentation as determined by the department. After the six-month probationary period, if the department determines that the regional commission or community service provider still does not meet the minimum standards and minimum required services established for certification, the department may remove the certification of the commission or provider and from and after July 1, 2011, the commission or provider shall be ineligible for state funds from Medicaid reimbursement or other funding sources for those services. However, the department shall not mandate a standard or service, or decertify a regional commission or community service provider for not meeting a standard or service, if the standard or service does not have funding appropriated by the Legislature or have a state, federal or local funding source identified by the department. No county shall be required to levy millage to provide a mandated standard or service above the minimum rate required by Section 41-19-39. After the six-month probationary period, the department may identify an appropriate community service provider to provide any core services in that county that are not provided by a community mental health center. However, the department shall not offer reimbursement or other accommodations to a community service provider of core services that were not offered to the decertified community mental health center for the same or similar services. The State Board of Mental Health shall promulgate rules and regulations necessary to implement the provisions of this paragraph (i), in accordance with the Administrative Procedures Law (Section 25-43-1.101 et seq.);

(j) To establish and promulgate reasonable minimum standards for the construction and operation of state and all Department of Mental Health certified facilities, including reasonable minimum standards for the admission, diagnosis, care, treatment, transfer of patients and their records, and also including reasonable minimum standards for providing day care, outpatient care, emergency care, inpatient care and follow-up care, when such care is provided for persons with mental or emotional illness, an intellectual disability, alcoholism, drug misuse and developmental disabilities;

(k) To implement best practices for all services specified in Section 41-4-1(2), and to establish and implement all other services delivered by the Department of Mental Health. To carry out this responsibility, the board shall require the department to establish a division responsible for developing best practices based on a comprehensive analysis of the mental health environment to determine what the best practices for each service are. In developing best practices, the board shall consider the cost and benefits associated with each practice with a goal of implementing only those practices that are cost-effective practices for service delivery. Such best practices shall be utilized by the board in establishing performance standards and evaluations of the community mental health centers' services required by paragraph (d) of this section;

(l) To assist community or regional programs consistent with the purposes of this chapter by making grants and contracts from available funds;

(m) To establish and collect reasonable fees for necessary inspection services incidental to certification or compliance;

(n) To accept gifts, trusts, bequests, grants, endowments or transfers of property of any kind;

(o) To receive monies coming to it by way of fees for services or by appropriations;

(p) To serve as the single state agency in receiving and administering any and all funds available from any source for the purpose of service delivery, training, research and education in regard to all forms of mental illness, intellectual disabilities, alcoholism, drug misuse and developmental disabilities, unless such funds are specifically designated to a particular agency or institution by the federal government, the Mississippi Legislature or any other grantor;

(q) To establish mental health holding centers for the purpose of providing short-term emergency mental health treatment, places for holding persons awaiting commitment proceedings or awaiting placement in a state mental health facility following commitment, and for diverting placement in a state mental health facility. These mental health holding facilities shall be readily accessible, available statewide, and be in compliance with emergency services' minimum standards. They shall be comprehensive and available to triage and make appropriate clinical disposition, including the capability to access inpatient services or less restrictive alternatives, as needed, as determined by medical staff. Such facility shall have medical, nursing and behavioral services available on a twenty-four-hour-a-day basis. The board may provide for all or part of the costs of establishing and operating the holding centers in each district from such funds as may be appropriated to the board for such use, and may participate in any plan or agreement with any public or private entity under which the entity will provide all or part of the costs of establishing and operating a holding center in any district;

(r) To certify/license case managers, mental health therapists, intellectual disability therapists, mental health/intellectual disability program administrators, addiction counselors and others as deemed appropriate by the board. Persons already professionally licensed by another state board or agency are not required to be certified/licensed under this section by the Department of Mental Health. The department shall not use professional titles in its certification/licensure process for which there is an independent licensing procedure. Such certification/licensure shall be valid only in the state mental health system, in programs funded and/or certified by the Department of Mental Health, and/or in programs certified/licensed by the State Department of Health that are operated by the state mental health system serving persons with mental illness, an intellectual disability, a developmental disability or addictions, and shall not be transferable;

(s) To develop formal mental health worker qualifications for regional mental health and intellectual disability commissions and other community service providers. The State Personnel Board shall develop and promulgate a recommended salary scale and career ladder for all regional mental health/intellectual disability center therapists and case managers who work directly with clients. The State Personnel Board shall also develop and promulgate a career ladder for all direct care workers employed by the State Department of Mental Health;

(t) The employees of the department shall be governed by personnel merit system rules and regulations, the same as other employees in state services;

(u) To establish such rules and regulations as may be necessary in carrying out the provisions of this chapter, including the establishment of a formal grievance procedure to investigate and attempt to resolve consumer complaints;

(v) To grant easements for roads, utilities and any other purpose it finds to be in the public interest;

(w) To survey statutory designations, building markers and the names given to mental health/intellectual disability facilities and proceedings in order to recommend deletion of obsolete and offensive terminology relative to the mental health/intellectual disability system. Based upon a recommendation of the executive director, the board shall have the authority to name/rename any facility operated under the auspices of the Department of Mental Health for the sole purpose of deleting such terminology;

(x) To ensure an effective case management system directed at persons who have been discharged from state and private psychiatric hospitals to ensure their continued well-being in the community;

(y) To develop formal service delivery standards designed to measure the quality of services delivered to community clients, as well as the timeliness of services to community clients provided by regional mental health/intellectual disability commissions and other community services providers;

(z) To establish regional state offices to provide mental health crisis intervention centers and services available throughout the state to be utilized on a case-by-case emergency basis. The regional services director, other staff and delivery systems shall meet the minimum standards of the Department of Mental Health;

(aa) To require performance contracts with community mental health/intellectual disability service providers to contain performance indicators to measure successful outcomes, including diversion of persons from inpatient psychiatric hospitals, rapid/timely response to emergency cases, client satisfaction with services and other relevant performance measures;

(bb) To enter into interagency agreements with other state agencies, school districts and other local entities as determined necessary by the department to ensure that local mental health service entities are fulfilling their responsibilities to the overall state plan for behavioral services;

(cc) To establish and maintain a toll-free grievance reporting telephone system for the receipt and referral for investigation of all complaints by clients of state and community mental health/intellectual disability facilities;

(dd) To establish a peer review/quality assurance evaluation system that assures that appropriate assessment, diagnosis and treatment is provided according to established professional criteria and guidelines;

(ee) To develop and implement state plans for the purpose of assisting with the care and treatment of persons with Alzheimer's disease and other dementia. This plan shall include education and training of service providers, caregivers in the home setting and others who deal with persons with Alzheimer's disease and other dementia, and development of adult day care, family respite care and counseling programs to assist families who maintain persons with Alzheimer's disease and other dementia in the home setting. No agency shall be required to provide any services under this section until such time as sufficient funds have been appropriated or otherwise made available by the Legislature specifically for the purposes of the treatment of persons with Alzheimer's and other dementia;

(ff) Working with the advice and consent of the administration of Ellisville State School, to enter into negotiations with the Economic Development Authority of Jones County for the purpose of negotiating the possible exchange, lease or sale of lands owned by Ellisville State School to the Economic Development Authority of Jones County. It is the intent of the Mississippi Legislature that such negotiations shall ensure that the financial interest of the persons with an intellectual disability served by Ellisville State School will be held paramount in the course of these negotiations. The Legislature also recognizes the importance of economic development to the citizens of the State of Mississippi and Jones County, and encourages fairness to the Economic Development Authority of Jones County. Any negotiations proposed which would result in the recommendation for exchange, lease or sale of lands owned by Ellisville State School must have the approval of the State Board of Mental Health. The State Board of Mental Health may and has the final authority as to whether or not these negotiations result in the exchange, lease or sale of the properties it currently holds in trust for persons with an intellectual disability served at Ellisville State School.

If the State Board of Mental Health authorizes the sale of lands owned by Ellisville State School, as provided for under this paragraph (ff), the monies derived from the sale shall be placed into a special fund that is created in the State Treasury to be known as the "Ellisville State School Client's Trust Fund." The principal of the trust fund shall remain inviolate and shall never be expended. Any interest earned on the principal may be expended solely for the benefits of clients served at Ellisville State School. The State Treasurer shall invest the monies of the trust fund in any of the investments authorized for the Mississippi Prepaid Affordable College Tuition Program under Section 37-155-9, and those investments shall be subject to the limitations prescribed by Section 37-155-9. Unexpended amounts remaining in the trust fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the trust fund shall be deposited to the credit of the trust fund.

The administration of Ellisville State School may use any interest earned on the principal of the trust fund, upon appropriation by the Legislature, as needed for services or facilities by the clients of Ellisville State School. Ellisville State School shall make known to the Legislature, through the Legislative Budget Committee and the respective Appropriations Committees of the House and Senate, its proposed use of interest earned on the principal of the trust fund for any fiscal year in which it proposes to make expenditures thereof. The State Treasurer shall provide Ellisville State School with an annual report on the Ellisville State School Client's Trust Fund to indicate the total monies in the trust fund, interest earned during the year, expenses paid from the trust fund and such other related information.

Nothing in this section shall be construed as applying to or affecting mental health/intellectual disability services provided by hospitals as defined in Section 41-9-3(a), and/or their subsidiaries and divisions, which hospitals, subsidiaries and divisions are licensed and regulated by the Mississippi State Department of Health unless such hospitals, subsidiaries or divisions voluntarily request certification by the Mississippi State Department of Mental Health.

All new programs authorized under this section shall be subject to the availability of funds appropriated therefor by the Legislature;

(gg) Working with the advice and consent of the administration of Boswell Regional Center, to enter into negotiations with the Economic Development Authority of Simpson County for the purpose of negotiating the possible exchange, lease or sale of lands owned by Boswell Regional Center to the Economic Development Authority of Simpson County. It is the intent of the Mississippi Legislature that such negotiations shall ensure that the financial interest of the persons with an intellectual disability served by Boswell Regional Center will be held paramount in the course of these negotiations. The Legislature also recognizes the importance of economic development to the citizens of the State of Mississippi and Simpson County, and encourages fairness to the Economic Development Authority of Simpson County. Any negotiations proposed which would result in the recommendation for exchange, lease or sale of lands owned by Boswell Regional Center must have the approval of the State Board of Mental Health. The State Board of Mental Health may and has the final authority as to whether or not these negotiations result in the exchange, lease or sale of the properties it currently holds in trust for persons with an intellectual disability served at Boswell Regional Center. In any such exchange, lease or sale of such lands owned by Boswell Regional Center, title to all minerals, oil and gas on such lands shall be reserved, together with the right of ingress and egress to remove same, whether such provisions be included in the terms of any such exchange, lease or sale or not.

If the State Board of Mental Health authorizes the sale of lands owned by Boswell Regional Center, as provided for under this paragraph (gg), the monies derived from the sale shall be placed into a special fund that is created in the State Treasury to be known as the "Boswell Regional Center Client's Trust Fund." The principal of the trust fund shall remain inviolate and shall never be expended. Any earnings on the principal may be expended solely for the benefits of clients served at Boswell Regional Center. The State Treasurer shall invest the monies of the trust fund in any of the investments authorized for the Mississippi Prepaid Affordable College Tuition Program under Section 37-155-9, and those investments shall be subject to the limitations prescribed by Section 37-155-9. Unexpended amounts remaining in the trust fund at the end of a fiscal year shall not lapse into the State General Fund, and any earnings on amounts in the trust fund shall be deposited to the credit of the trust fund. The administration of Boswell Regional Center may use any earnings on the principal of the trust fund, upon appropriation by the Legislature, as needed for services or facilities by the clients of Boswell Regional Center. Boswell Regional Center shall make known to the Legislature, through the Legislative Budget Committee and the respective Appropriations Committees of the House and Senate, its proposed use of the earnings on the principal of the trust fund for any fiscal year in which it proposes to make expenditures thereof. The State Treasurer shall provide Boswell Regional Center with an annual report on the Boswell Regional Center Client's Trust Fund to indicate the total monies in the trust fund, interest and other income earned during the year, expenses paid from the trust fund and such other related information.

Nothing in this section shall be construed as applying to or affecting mental health/intellectual disability services provided by hospitals as defined in Section 41-9-3(a), and/or their subsidiaries and divisions, which hospitals, subsidiaries and divisions are licensed and regulated by the Mississippi State Department of Health unless such hospitals, subsidiaries or divisions voluntarily request certification by the Mississippi State Department of Mental Health.

All new programs authorized under this section shall be subject to the availability of funds appropriated therefor by the Legislature;

(hh) Notwithstanding any other section of the code, the Board of Mental Health shall be authorized to fingerprint and perform a criminal history record check on every employee or volunteer. Every employee and volunteer shall provide a valid current social security number and/or driver's license number which shall be furnished to conduct the criminal history record check. If no disqualifying record is identified at the state level, fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check;

(ii) The Department of Mental Health shall have the authority for the development of a consumer friendly single point of intake and referral system within its service areas for persons with mental illness, an intellectual disability, developmental disabilities or alcohol or substance abuse who need assistance identifying or accessing appropriate services. The department will develop and implement a comprehensive evaluation procedure ensuring that, where appropriate, the affected person or their parent or legal guardian will be involved in the assessment and planning process. The department, as the point of intake and as service provider, shall have the authority to determine the appropriate institutional, hospital or community care setting for persons who have been diagnosed with mental illness, an intellectual disability, developmental disabilities and/or alcohol or substance abuse, and may provide for the least restrictive placement if the treating professional believes such a setting is appropriate, if the person affected or their parent or legal guardian wants such services, and if the department can do so with a reasonable modification of the program without creating a fundamental alteration of the program. The least restrictive setting could be an institution, hospital or community setting, based upon the needs of the affected person or their parent or legal guardian;

(jj) To have the sole power and discretion to enter into, sign, execute and deliver long-term or multiyear leases of real and personal property owned by the Department of Mental Health to and from other state and federal agencies and private entities deemed to be in the public's best interest. Any monies derived from such leases shall be deposited into the funds of the Department of Mental Health for its exclusive use. Leases to private entities shall be approved by the Department of Finance and Administration and all leases shall be filed with the Secretary of State;

(kk) To certify and establish minimum standards and minimum required services for county facilities used for housing, feeding and providing medical treatment for any person who has been involuntarily ordered admitted to a treatment center by a court of competent jurisdiction. The minimum standard for the initial assessment of those persons being housed in county facilities is for the assessment to be performed by a physician, preferably a psychiatrist, or by a nurse practitioner, preferably a psychiatric nurse practitioner. If the department finds deficiencies in any such county facility or its provider based on the minimum standards and minimum required services established for certification, the department shall give the county or its provider a six-month probationary period to bring its standards and services up to the established minimum standards and minimum required services. After the six-month probationary period, if the department determines that the county or its provider still does not meet the minimum standards and minimum required services, the department may remove the certification of the county or provider and require the county to contract with another county having a certified facility to hold those persons for that period of time pending transportation and admission to a state treatment facility. Any cost incurred by a county receiving an involuntarily committed person from a county with a decertified holding facility shall be reimbursed by the home county to the receiving county * * *; and

(11) To provide orientation training to all new commissioners of regional commissions and annual training for all commissioners with continuing education regarding the Mississippi mental health system and services as developed by the State Department of Mental Health. Training shall be provided at the expense of the department except for travel expenses which shall be paid by the regional commission.

SECTION 9. Section 41-19-33, Mississippi Code of 1972, is amended as follows:

41-19-33. (1) Each region so designated or established under Section 41-19-31 shall establish a regional commission to be composed of members appointed by the boards of supervisors of the various counties in the region. It shall be the duty of such regional commission to administer mental health/intellectual disability programs certified and required by the State Board of

Mental Health and as specified in Section 41-4-1(2). In addition, once designated and established as provided hereinabove, a regional commission shall have the following authority and shall pursue and promote the following general purposes:

(a) To establish, own, lease, acquire, construct, build, operate and maintain mental illness, mental health, intellectual disability, alcoholism and general rehabilitative facilities and services designed to serve the needs of the people of the region so designated, provided that the services supplied by the regional commissions shall include those services determined by the Department of Mental Health to be necessary and may include, in addition to the above, services for persons with developmental and learning disabilities; for persons suffering from narcotic addiction and problems of drug abuse and drug dependence; and for the aging as designated and certified by the Department of Mental Health. Such regional mental health and intellectual disability commissions and other community service providers shall, on or before July 1 of each year, submit an annual operational plan to the Department of Mental Health for approval or disapproval based on the minimum standards and minimum required services established by the department for certification and itemize the services as specified in Section 41-4-1(2), including financial statements. As part of the annual operation plan required by Section 41-4-7(h) submitted by any regional community mental health center or by any other reasonable certification deemed acceptable by the department, the community mental health center shall state those services specified in Section 41-4-1(2) that it will provide and also those services that it will not provide. If the department finds deficiencies in the plan of any regional commission or community service provider based on the minimum standards and minimum required services established for certification, the department shall give the regional commission or community service provider a six-month probationary period to bring its standards and services up to the established minimum standards and minimum required services. The regional commission or community service provider shall develop a sustainability business plan within thirty (30) days of being placed on probation, which shall be signed by all commissioners and shall include policies to address one or more of the following: the deficiencies in programmatic services, clinical service staff expectations, timely and appropriate billing, processes to obtain credentialing for staff, monthly reporting processes, third-party financial reporting and any other required documentation as determined by the department. After the six-month probationary period, if the department determines that the regional commission or community service provider still does not meet the minimum standards and minimum required services established for certification, the department may remove the certification of the commission or provider, and from and after July 1, 2011, the commission or provider shall be ineligible for state funds from Medicaid reimbursement or other funding sources for those services. After the six-month probationary period, the Department of Mental Health may identify an appropriate community service provider to provide any core services in that county that are not provided by a community mental health center. However, the department shall not offer reimbursement or other accommodations to a community service provider of core services that were not offered to the decertified community mental health center for the same or similar services.

(b) To provide facilities and services for the prevention of mental illness, mental disorders, developmental and learning disabilities, alcoholism, narcotic addiction, drug abuse, drug dependence and other related handicaps or problems (including the problems of the aging) among the people of the region so designated, and for the rehabilitation of persons suffering from such illnesses, disorders, handicaps or problems as designated and certified by the Department of Mental Health.

(c) To promote increased understanding of the problems of mental illness, intellectual disabilities, alcoholism, developmental and learning disabilities, narcotic addiction, drug abuse and drug dependence and other related problems (including the problems of the aging) by the people of the region, and also to promote increased understanding of the purposes and methods of the rehabilitation of persons suffering from such illnesses, disorders, handicaps or problems as designated and certified by the Department of Mental Health.

(d) To enter into contracts and to make such other arrangements as may be necessary, from time to time, with the United States government, the government of the State of Mississippi and such other agencies or governmental bodies as may be approved by and acceptable to the regional commission for the purpose of establishing, funding, constructing, operating and maintaining facilities and services for the care, treatment and rehabilitation of persons suffering from mental illness, an intellectual disability, alcoholism, developmental and learning disabilities, narcotic addiction, drug abuse, drug dependence and other illnesses, disorders, handicaps and problems (including the problems of the aging) as designated and certified by the Department of Mental Health.

(e) To enter into contracts and make such other arrangements as may be necessary with any and all private businesses, corporations, partnerships, proprietorships or other private agencies, whether organized for profit or otherwise, as may be approved by and acceptable to the regional commission for the purpose of establishing, funding, constructing, operating and maintaining facilities and services for the care, treatment and rehabilitation of persons suffering from mental illness, an intellectual disability, alcoholism, developmental and learning disabilities, narcotic addiction, drug abuse, drug dependence and other illnesses, disorders, handicaps and problems (including the problems of the aging) relating to minimum services established by the Department of Mental Health.

(f) To promote the general mental health of the people of the region.

(g) To pay the administrative costs of the operation of the regional commissions, including per diem for the members of the commission and its employees, attorney's fees, if and when such are required in the opinion of the commission, and such other expenses of the commission as may be necessary. The Department of Mental Health standards and audit rules shall determine what administrative cost figures shall consist of for the purposes of this paragraph. Each regional commission shall submit a cost report annually to the Department of Mental Health in accordance with guidelines promulgated by the department.

(h) To employ and compensate any personnel that may be necessary to effectively carry out the programs and services established under the provisions of the aforesaid act, provided such person meets the standards established by the Department of Mental Health.

(i) To acquire whatever hazard, casualty or workers' compensation insurance that may be necessary for any property, real or personal, owned, leased or rented by the commissions, or any employees or personnel hired by the commissions.

(j) To acquire professional liability insurance on all employees as may be deemed necessary and proper by the commission, and to pay, out of the funds of the commission, all premiums due and payable on account thereof.

(k) To provide and finance within their own facilities, or through agreements or contracts with other local, state or federal agencies or institutions, nonprofit corporations, or political subdivisions or representatives thereof, programs and services for persons with mental illness, including treatment for alcoholics, and promulgating and administering of programs to combat drug abuse and programs for services for persons with an intellectual disability.

(l) To borrow money from private lending institutions in order to promote any of the foregoing purposes. A commission may pledge collateral, including real estate, to secure the repayment of money borrowed under the authority of this paragraph. Any such borrowing undertaken by a commission shall be on terms and conditions that are prudent in the sound judgment of the members of the commission, and the interest on any such loan shall not exceed the amount specified in Section 75-17-105. Any money borrowed, debts incurred or other obligations undertaken by a commission, regardless of whether borrowed, incurred or undertaken before or after March 15, 1995, shall be valid, binding and enforceable if it or they are borrowed, incurred or undertaken for any purpose specified in this section and otherwise conform to the requirements of this paragraph.

(m) To acquire, own and dispose of real and personal property. Any real and personal property paid for with state and/or county appropriated funds must have the written approval of the Department of Mental Health and/or the county board of supervisors, depending on the original source of funding, before being disposed of under this paragraph.

(n) To enter into managed care contracts and make such other arrangements as may be deemed necessary or appropriate by the regional commission in order to participate in any managed care program. Any such contract or arrangement affecting more than one (1) region must have prior written approval of the Department of Mental Health before being initiated and annually thereafter.

(o) To provide facilities and services on a discounted or capitated basis. Any such action when affecting more than one (1) region must have prior written approval of the Department of Mental Health before being initiated and annually thereafter.

(p) To enter into contracts, agreements or other arrangements with any person, payor, provider or other entity, under which the regional commission assumes financial risk for the provision or delivery of any services, when deemed to be necessary or appropriate by the regional commission. Any action under this paragraph affecting more than one (1) region must have prior written approval of the Department of Mental Health before being initiated and annually thereafter.

(q) To provide direct or indirect funding, grants, financial support and assistance for any health maintenance organization, preferred provider organization or other managed care entity or contractor, where such organization, entity or contractor is operated on a nonprofit basis. Any action under this paragraph affecting more than one (1) region must have prior written approval of the Department of Mental Health before being initiated and annually thereafter.

(r) To form, establish, operate, and/or be a member of or participant in, either individually or with one or more other regional commissions, any managed care entity as defined in Section 83-41-403(c). Any action under this paragraph affecting more than one (1) region must have prior written approval of the Department of Mental Health before being initiated and annually thereafter.

(s) To meet at least annually with the board of supervisors of each county in its region for the purpose of presenting its total annual budget and total mental health/intellectual disability services system. The commission shall submit an annual report on the adult mental health services, children mental health services and intellectual disability services required by the State Board of Mental Health.

(t) To provide alternative living arrangements for persons with serious mental illness, including, but not limited to, group homes for persons with chronic mental illness.

(u) To make purchases and enter into contracts for purchasing in compliance with the public purchasing law, Sections 31-7-12 and 31-7-13, with compliance with the public purchasing law subject to audit by the State Department of Audit.

(v) To * * * ensure that all available funds are used for the benefit of persons with mental illness, persons with an intellectual disability, substance abusers and persons with developmental disabilities with maximum efficiency and minimum administrative cost. At any time a regional commission, and/or other related organization whatever it may be, accumulates surplus funds in excess of one-half (1/2) of its annual operating budget, the entity must submit a plan to the Department of Mental Health stating the capital improvements or other projects that require such surplus accumulation. If the required plan is not submitted within forty-five (45) days of the end of the applicable fiscal year, the Department of Mental Health shall withhold all state appropriated funds from such regional commission until such time as the capital improvement plan is submitted. If the submitted capital improvement plan is not accepted by the department, the surplus funds shall be expended by the regional commission in the local mental health region on group homes for persons with mental illness, persons with an intellectual disability, substance abusers, children or other mental health/intellectual disability services approved by the Department of Mental Health.

(w) Notwithstanding any other provision of law, to fingerprint and perform a criminal history record check on every employee or volunteer. Every employee or volunteer shall provide a valid current social security number and/or driver's license number that will be furnished to conduct the criminal history record check. If no disqualifying record is identified at the state level, fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check.

(x) Notwithstanding any other provisions of law, each regional commission shall have the authority to create and operate a primary care health clinic to treat (i) its patients; and (ii) its patients' family members related within the third degree; and (iii) its patients' household members or caregivers, subject to the following requirements:

(i) The regional commission may employ and compensate any personnel necessary and must satisfy applicable state and federal laws and regulations regarding the administration and operation of a primary care health clinic.

(ii) A Mississippi licensed physician must be employed or under agreement with the regional commission to provide medical direction and/or to carry out the physician responsibilities as described under applicable state and/or federal law and regulations.

(iii) The physician providing medical direction for the primary care clinic shall not be certified solely in psychiatry.

(iv) A sliding fee scale may be used by the regional commission when no other payer source is identified.

(v) The regional commission must ensure services will be available and accessible promptly and in a manner that preserves human dignity and assures continuity of care.

(vi) The regional commission must provide a semiannual report to the Chairmen of the Public Health Committees in both the House of Representatives and Senate. At a minimum, for each reporting period, these reports shall describe the number of patients provided primary care services, the types of services provided, and the payer source for the patients. Except for patient information and any other information that may be exempt from disclosure under the Health Information Portability and Accountability Act (HIPAA) and the Mississippi Public Records Act, the reports shall be considered public records.

(vii) The regional commission must employ or contract with a core clinical staff that is multidisciplinary and culturally and linguistically competent.

(viii) The regional commission must ensure that its physician as described in subparagraph (ii) of this paragraph (x) has admitting privileges at one or more local hospitals or has an agreement with a physician who has admitting privileges at one or more local hospitals to ensure continuity of care.

(ix) The regional commission must provide an independent financial audit report to the State Department of Mental Health and, except for patient information and any other information that may be exempt from disclosure under HIPAA and the Mississippi Public Records Act, the audit report shall be considered a public record.

For the purposes of this paragraph (x), the term "caregiver" means an individual who has the principal and primary responsibility for caring for a child or dependent adult, especially in the home setting.

(y) In general to take any action which will promote, either directly or indirectly, any and all of the foregoing purposes.

(z) All regional commissioners shall receive new orientation training and annual training with continuing education regarding the Mississippi mental health system and services as developed by the State Department of Mental Health. Training shall be provided at the expense of the department except for travel expenses which shall be paid by the regional commission.

(2) The types of services established by the State Department of Mental Health that must be provided by the regional mental health/intellectual disability centers for certification by the department, and the minimum levels and standards for those

services established by the department, shall be provided by the regional mental health/intellectual disability centers to children when such services are appropriate for children, in the determination of the department.

(3) Each regional commission shall compile quarterly financial statements and status reports from each individual community health center. The compiled reports shall be submitted to the coordinator quarterly. The reports shall contain a:

(a) Balance sheet;

(b) Statement of operations;

(c) Statement of cash flows; and

(d) Description of the status of individual community health center's actions taken to increase access to and availability of community mental health services.

SECTION 10. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2020 Regular Session

Senate Bill 2658

Description: Domesticated dogs and cats; revise offense of abuse of.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2020

History of Actions:

1	02/17	(S)	Referred To Judiciary, Division B
2	03/03	(S)	Title Suff Do Pass Comm Sub
3	03/12	(S)	Committee Substitute Adopted
4	03/12	(S)	Amended
5	03/12	(S)	Passed As Amended {Vote}
6	03/16	(S)	Transmitted To House
7	03/25	(H)	Referred To Judiciary B
8	06/09	(H)	Title Suff Do Pass As Amended
9	06/09	(H)	Amended
10	06/09	(H)	Passed As Amended {Vote}
11	06/10	(H)	Returned For Concurrence
12	06/16	(S)	Decline to Concur/Invite Conf
13	06/17	(S)	Conferees Named Wiggins,Hill,England
14	06/19	(H)	Conferees Named Bain,Yates,White
15	06/28	(S)	Conference Report Filed
16	06/28	(H)	Conference Report Filed
17	06/29	(S)	Conference Report Adopted {Vote}
18	07/01	(H)	Conference Report Adopted {Vote}
19	07/01	(H)	Immediate Release
20	07/02	(S)	Enrolled Bill Signed
21	07/02	(H)	Enrolled Bill Signed
22	07/08		Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote
[H] Committee Amendment No 1 ***Adopted*** Voice Vote

Conference Reports:
Conference Report

Code Section: A 097-0041-0016

----- Additional Information -----

Senate Committee: Judiciary, Division B
House Committee: Judiciary B

Principal Author: Hill
Additional Authors: Boyd, England, Blackwell, Chism, Wiggins, Parker, McLendon, Frazier, Michel, DeLano, McMahan, McDaniel, Sojourner

Title: AN ACT TO AMEND SECTION 97-41-16, MISSISSIPPI CODE OF 1972, TO REVISE THE OFFENSE OF ABUSE OF A DOMESTICATED DOG OR CAT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Hill, Boyd, England, Blackwell, Chism, Wiggins, Parker, McLendon, Frazier, Michel, DeLano, McMahan, McDaniel, Sojourner

To: Judiciary, Division B

SENATE BILL NO. 2658
(As Passed the Senate)

AN ACT TO AMEND SECTION 97-41-16, MISSISSIPPI CODE OF 1972, TO REVISE THE OFFENSE OF ABUSE OF A DOMESTICATED DOG OR CAT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 97-41-16, Mississippi Code of 1972, is amended as follows:

97-41-16. (1) (a) The provisions of this section shall be known and may be cited as the "Mississippi Dog and Cat Pet Protection Law of 2011."

(b) The intent of the Legislature in enacting this law is to provide only for the protection of domesticated dogs and cats, as these are the animals most often serving as the loyal and beloved pets of the citizens of this state. Animals other than domesticated dogs and cats are specifically excluded from the enhanced protection described in this section for dogs and cats. The provisions of this section do not apply, and shall not be construed as applying, to any animal other than a domesticated dog or cat.

(2) (a) If a person shall intentionally or with criminal negligence wound, deprive of adequate shelter, food or water, or carry or confine in a cruel manner, any domesticated dog or cat, or cause any person to do the same, then he or she shall be guilty of the offense of simple cruelty to a domesticated dog or cat. A person who is convicted of the offense of simple cruelty to a domesticated dog or cat shall be guilty of a misdemeanor and fined not more than One Thousand Dollars ($1,000.00), or imprisoned not more than six (6) months, or both. Each act of simple cruelty that is committed against more than one (1) domesticated dog or cat constitutes a separate offense.

(b) (i) If a person with malice shall *intentionally torture, mutilate, maim, burn, starve* * * * to death, crush, *disfigure*, drown, suffocate or impale any domesticated dog or cat, or cause any person to do the same, then he or she shall be guilty of the offense of aggravated cruelty to a domesticated dog or cat. Each act of aggravated cruelty that is committed against more than one (1) domesticated dog or cat shall constitute a separate offense.

(* * *ii) A person who is convicted of a first offense of aggravated cruelty to a domesticated dog or cat shall be guilty of a * * * felony and fined not more than * * * Five Thousand Dollars ($5,000.00), or * * * committed to the custody of the Department of Corrections for not more than * * * three (3) years, or both.

(* * *iii) A person who is convicted of a second or subsequent offense of aggravated cruelty to a domesticated dog or cat, the offenses being committed within a period of five (5) years, shall be guilty of a felony and fined not more than * * * Ten Thousand Dollars ($10,000.00) and imprisoned in the custody of the Department of Corrections for not less than one (1) year nor more than * * * ten (10) years.

For purposes of calculating previous offenses of aggravated cruelty under this subparagraph (iii), commission of one or more acts of aggravated cruelty against one or more domesticated dogs or cats within a twenty-four-hour period shall be considered one (1) offense.

(c) A conviction entered upon a plea of nolo contendere to a charge of aggravated cruelty to a domesticated dog or cat shall be counted as a conviction for the purpose of determining whether a later conviction is a first or subsequent offense.

* * *

(3) In addition to such fine or imprisonment which may be imposed:

(a) The court shall order that restitution be made to the owner of such domesticated dog or cat. The measure for restitution in money shall be the current replacement value of such loss and the actual veterinarian fees, medicine, special supplies, loss of income and other costs incurred as a result of actions in violation of subsection (2) of this section; and

(b) The court may order that:

(i) The reasonable costs of sheltering, transporting and rehabilitating the domesticated dog or cat, and any other costs directly related to the care of the domesticated dog or cat, be reimbursed to:

1. Any law enforcement agency; or

2. Any agency or department of a political subdivision that is charged with the control, protection or welfare of domesticated or feral dogs or cats within the subdivision. The agency or department may reimburse a nongovernmental organization for such costs, if the organization possesses nonprofit status under the United States Internal Revenue Code and has the purpose of protecting the welfare of, or preventing cruelty to, dogs or cats whether domesticated or feral.

(ii) The person convicted:

1. Receives a psychiatric or psychological evaluation and counseling or treatment for a length of time as prescribed by the court. The cost of any evaluation, counseling and treatment shall be paid by the offender upon order of the court, up to a maximum amount that is no more than the jurisdictional limit of the sentencing court.

2. Performs community service for a period not exceeding the applicable maximum term of imprisonment that may be imposed for conviction of the offense.

3. Be enjoined from employment in any position that involves the care of a domesticated dog or cat, or in any place where domesticated dogs or cats are kept or confined, for a period which the court deems appropriate.

4. If convicted of simple cruelty under this section, be prohibited from owning or possessing or residing with a domesticated dog or cat for any period of time not exceeding five (5) years from the date of sentencing, or any period of time not exceeding fifteen (15) years from the date of sentencing if the conviction involved four (4) or more counts of simple cruelty.

(c) The court shall order that any person convicted of an offense of aggravated cruelty under this section be prohibited from owning or possessing or residing with a domesticated dog or cat for a period not less than five (5) years nor more than fifteen (15) years from the date of sentencing.

(d) A person found in violation of a court order incorporating the provisions of paragraph (b)(ii)4. or (c) of this subsection may, in addition to any other punishment provided by law, be fined in an amount not exceeding One Thousand Dollars ($1,000.00) for each domesticated dog or cat unlawfully owned or possessed.

(e) Any domesticated dog or cat involved in a violation of a court order described in paragraph (d) of this subsection shall be forfeited to the state.

(4) (a) Nothing in this section shall be construed as prohibiting a person from:

(i) Defending himself or herself or another person from physical * * * injury being threatened or caused by a domesticated or feral dog or cat.

(ii) Injuring or killing an unconfined domesticated or feral dog or cat on the property of the person, if the unconfined dog or cat is believed to constitute a threat of physical injury or damage to any domesticated animal under the care or control of such person.

(iii) Acting under the provisions of Section 95-5-19 to protect poultry or livestock from a trespassing dog that is in the act of chasing or killing the poultry or livestock, or acting to protect poultry or livestock from a trespassing cat that is in the act of chasing or killing the poultry or livestock.

(iv) Engaging in practices that are licensed or lawful under the Mississippi Veterinary Practice Act, Section 73-39-51 et seq., or engaging in activities by any licensed veterinarian while following accepted standards of practice of the profession within the State of Mississippi, including the euthanizing of a dog or cat.

(v) Rendering emergency care, treatment, or assistance to a dog or cat that is abandoned, ill, injured, or in distress, if the person rendering the care, treatment, or assistance is acting in good faith.

(vi) Performing activities associated with accepted agricultural and animal husbandry practices with regard to livestock, poultry or other animals, including those activities which involve:

1. Using dogs in such practices.

2. Raising, managing and using animals to provide food, fiber or transportation.

3. Butchering animals and processing food.

(vii) Training for, or participating in, a rodeo, equine activity, dog show, event sponsored by a kennel club or other bona fide organization that promotes the breeding or showing of dogs or cats, or any other competitive event which involves the lawful use of dogs or cats.

(viii) Engaging in accepted practices of dog or cat identification.

(ix) Engaging in lawful activities that are regulated by the Mississippi Department of Wildlife, Fisheries and Parks or the Mississippi Department of Marine Resources, including, without limitation, hunting, trapping, fishing, and wildlife and seafood management.

(x) Performing scientific, research, medical and zoological activities undertaken by research and education facilities or institutions that are:

1. Regulated under the provisions of the Animal Welfare Act, 7 USCS 2131 et seq., as in effect on July 1, 2011;

2. Regulated under the provisions of the Health Research Extension Act of 1985, Public Law No. 99-158; or

3. Subject to any other applicable state or federal law or regulation governing animal research as in effect on July 1, 2011.

(xi) Disposing of or destroying certain dogs under authority of Sections 19-5-50, 21-19-9 and 41-53-11, which allow counties, municipalities and certain law enforcement officers to destroy dogs running at large without proper identification indicating that such dogs have been vaccinated for rabies.

(xii) Engaging in professional pest control activities, including those activities governed by the Mississippi Pesticide Law of 1975, Section 69-23-1 et seq.; professional services related to entomology, plant pathology, horticulture, tree surgery, weed control or soil classification, as regulated under Section 69-19-1 et seq.; and any other pest control activities conducted in accordance with state law.

(xiii) Performing the humane euthanization of a dog or cat pursuant to Section 97-41-3.

(xiv) Engaging in the training of service dogs used to assist those with physical or mental health conditions.

(b) If the owner or person in control of a domesticated dog or cat is precluded, by natural or other causes beyond his reasonable control, from acting to prevent an act or omission that might otherwise constitute an allegation of the offense of simple cruelty to a domesticated dog or cat or the offense of aggravated cruelty to a domesticated dog or cat, then that person shall not be guilty of the offense. Natural or other causes beyond the reasonable control of the person include, without limitation, acts of God, declarations of disaster, emergencies, acts of war, earthquakes, hurricanes, tornadoes, fires, floods or other natural disasters.

(5) The provisions of this section shall not be construed to:

(a) Apply to any animal other than a domesticated dog or cat.

(b) Create any civil or criminal liability on the part of the driver of a motor vehicle if the driver unintentionally injures or kills a domesticated dog or cat as a result of the domesticated dog or cat being accidentally hit by the vehicle.

(6) (a) Except as otherwise provided in Section 97-35-47 for the false reporting of a crime, a person, who in good faith and acting without malice, reports a suspected incident of simple cruelty to a domesticated dog or cat, or aggravated cruelty to a domesticated dog or cat, to a local animal control, protection or welfare organization, a local law enforcement agency, or the

Mississippi Department of Public Safety, shall be immune from civil and criminal liability for reporting the incident.

(b) A veterinarian licensed in Mississippi or a person acting at the direction of a veterinarian licensed in Mississippi, who in good faith and acting without malice, participates in the investigation of an alleged offense of simple or aggravated cruelty to a domesticated dog or cat, or makes a decision or renders services regarding the care of a domesticated or feral dog or cat that is involved in the investigation, shall be immune from civil and criminal liability for those acts.

(7) Other than an agency or department of a political subdivision that is charged with the control, protection or welfare of dogs or cats within the subdivision, any organization that has the purpose of protecting the welfare of, or preventing cruelty to, domesticated dogs or cats, shall register the organization with the sheriff of the county in which the organization operates a physical facility for the protection, welfare or shelter of dogs or cats, on or before the first day of October each year. The provisions of this subsection (7) shall apply to any organization that has the purpose of protecting the welfare of dogs or cats, or preventing cruelty to dogs or cats, regardless of whether the organization also protects animals other than domesticated dogs or cats.

(8) Nothing in this section shall limit the authority of a municipality or board of supervisors to adopt ordinances, rules,

regulations or resolutions which may be, in whole or in part, more restrictive than the provisions of this section, and in those cases, the more restrictive ordinances, rules, regulations or resolutions will govern.

SECTION 2. This act shall take effect and be in force from and after July 1, 2020.

Mississippi Legislature
2020 Regular Session

Senate Bill 2674

Description: Community public water systems; require continuing education for board members.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2020

History of Actions:

1	02/17	(S)	Referred To Energy
2	03/03	(S)	Title Suff Do Pass
3	03/09	(S)	Passed {Vote}
4	03/10	(S)	Transmitted To House
5	03/25	(H)	Referred To Conservation and Water Resources
6	06/03	(H)	Title Suff Do Pass As Amended
7	06/16	(H)	Amended
8	06/16	(H)	Passed As Amended {Vote}
9	06/17	(H)	Returned For Concurrence
10	06/19	(S)	Concurred in Amend From House {Vote}
11	06/25	(S)	Enrolled Bill Signed
12	06/25	(H)	Enrolled Bill Signed
13	07/01		Approved by Governor

Amendments:
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2674

Code Section: A 041-0026-0101

----- Additional Information -----

Senate Committee: Energy
House Committee: Conservation and Water Resources

Principal Author: Doty
Additional Authors: Jackson (11th)

2020 GENERAL LAWS OF MISSISSIPPI SB 2674

Title: AN ACT TO AMEND SECTION 41-26-101, MISSISSIPPI CODE OF 1972, TO REQUIRE CONTINUING EDUCATION FOR COMMUNITY PUBLIC WATER SYSTEM BOARD MEMBERS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Doty, Jackson (11th) To: Energy

SENATE BILL NO. 2674
(As Sent to Governor)

AN ACT TO AMEND SECTION 41-26-101, MISSISSIPPI CODE OF 1972, TO REQUIRE CONTINUING EDUCATION FOR COMMUNITY PUBLIC WATER SYSTEM BOARD MEMBERS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 41-26-101, Mississippi Code of 1972, is amended as follows:

41-26-101. (1) Each member elected or reelected after June 30, 1998, to serve on a governing board of any community public water system, except systems operated by municipalities with a population greater than ten thousand (10,000), shall attend a minimum of eight (8) hours of management training within two (2) years following the election of that board member. Any member failing to complete the management training within two (2) years after his election shall be subject to removal from the board by the remaining members. If a board member has undergone training and is reelected to the board, that board member shall not be required to attend training as provided by this subsection.

(2) The management training shall be organized by the State Department of Health, in cooperation with the Mississippi Rural Water Association and other organizations. The management training shall include information on water system management and financing, rate setting and structures, operations and maintenance, applicable laws and regulations, ethics, the duties and responsibilities of a board member and other information deemed necessary by the department after consultation with the association and other organizations. The department shall develop and provide all training materials. * * * The association and other training organizations may charge a fee in the amount of Seventy-five Dollars ($75.00) per member plus the cost of the manual and materials. These costs shall be reimbursed to the board member as an expense of the community public water system.

(3) Two (2) officers of each board shall also obtain an additional four (4) hours of updated and advanced training within a four-year period. The term "officers" shall include the legally responsible official of the community public water system and the mayor, mayor pro tem, the president, and the vice president of the board. If one (1) of the officers is not able to attend the training, then he may appoint someone from among the existing board to attend in his place; however, the board member attending this training must have first completed the eight (8) hours of management training. This training will be held at a time and place that will accommodate those members who have other

responsibilities. The training shall consist of, but not be limited to, updated regulatory rules and regulations, an in-depth look at the Mississippi Nonprofit Corporation Act as well as any updated information that would aid them in making decisions for their utility system. The association and other training organizations may charge a fee in the amount of Twenty-five Dollars ($25.00) per member plus the cost of the material needed for the training. These costs shall also be reimbursed to the board member as an expense of the community water system.

(3) To avoid board members having to interfere with their jobs or employment, management training sessions may be divided into segments and, to the greatest extent possible, shall be scheduled for evening sessions. The department shall conduct management training on a regional basis and shall use community college or other public facilities for the convenience of board members.

(4) The department may make exceptions to and grant exemptions and variances to the requirements of this section for good cause shown.

SECTION 2. This act shall take effect and be in force from and after July 1, 2020.

Mississippi Legislature
2020 Regular Session

Senate Bill 2680

Description: County sheriffs; revise recordkeeping requirements for meals served to prisoners.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2020

History of Actions:

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  1  02/17   (S) Referred To Corrections
  2  02/25   (S) Title Suff Do Pass
  3  03/11   (S) Passed {Vote}
  4  03/12   (S) Transmitted To House
  5  03/25   (H) Referred To Judiciary B
  6  06/02   (H) Title Suff Do Pass
  7  06/16   (H) Amended
  8  06/16   (H) Passed As Amended {Vote}
  9  06/16   (H) Read the Third Time
 10  06/17   (H) Returned For Concurrence
 11  06/18   (S) Concurred in Amend From House {Vote}
 12  06/23   (S) Enrolled Bill Signed
 13  06/23   (H) Enrolled Bill Signed
 14  06/29   Approved by Governor
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Amendments:
[H] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2680

Code Section: A 019-0025-0074

----- Additional Information -----

Senate Committee: Corrections
House Committee: Judiciary B

Principal Author: Harkins
Additional Authors: Jackson (32nd), Simmons (13th)

Title: AN ACT TO AMEND SECTION 19-25-74, MISSISSIPPI CODE OF 1972, TO REQUIRE A COUNTY SHERIFF TO RECORD ON AN ANNUAL BASIS CERTAIN

INFORMATION RELATED TO MEALS SERVED TO PRISONERS IN THE CUSTODY OF THE COUNTY JAIL; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Harkins, Jackson (32nd), Simmons (13th)

To: Corrections

SENATE BILL NO. 2680
(As Sent to Governor)

AN ACT TO AMEND SECTION 19-25-74, MISSISSIPPI CODE OF 1972, TO REQUIRE A COUNTY SHERIFF TO RECORD ON AN ANNUAL BASIS CERTAIN INFORMATION RELATED TO MEALS SERVED TO PRISONERS IN THE CUSTODY OF THE COUNTY JAIL; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 19-25-74, Mississippi Code of 1972, is amended as follows:

19-25-74. In any event, regardless of which method in respect to the feeding of prisoners is selected by the board of supervisors, the sheriff shall maintain a log*, showing the name of each prisoner, the date and time of incarceration and release;* to be posted * * * by the tenth calendar day of each month for the period spanning the preceding month, which shall record the number of meals served to prisoners * * * on each * * * day, * * * and shall make affidavit as to the correctness thereof and file the same monthly with the board of supervisors. Such log shall remain on file with the board of supervisors as other records of said board and shall be made available to the State Department of Audit upon request. No claims for the cost or expenses of feeding prisoners shall be approved by the board of supervisors for any month unless and until such log for that month is filed.

SECTION 2. This act shall take effect and be in force from and after July 1, 2020.

Mississippi Legislature
2020 Regular Session

Senate Bill 2684

Description: Department of Corrections; increase number of offenders in regional facilities and adjust regional per diem.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2020

History of Actions:

1	02/17	(S)	Referred To Corrections; Appropriations
2	03/02	(S)	DR - TSDPCS: CR To AP
3	03/03	(S)	Title Suff Do Pass Comm Sub
4	03/12	(S)	Committee Substitute Adopted
5	03/12	(S)	Passed {Vote}
6	03/13	(S)	Transmitted To House
7	03/25	(H)	Referred To Corrections; Appropriations
8	06/03	(H)	DR - TSDPAA: CN To AP
9	06/09	(H)	DR - TSDPAA: AP To CN
10	06/09	(H)	Title Suff Do Pass As Amended
11	06/16	(H)	Amended
12	06/16	(H)	Passed As Amended {Vote}
13	06/17	(H)	Returned For Concurrence
14	06/18	(S)	Decline to Concur/Invite Conf
15	06/23	(S)	Conferees Named Barnett,Simmons (13th),Sparks
16	06/22	(H)	Conferees Named Horan,Rushing,Faulkner
17	06/29	(S)	Conference Report Filed
18	06/29	(H)	Conference Report Filed
19	06/30	(H)	Conference Report Adopted {Vote}
20	07/01	(S)	Conference Report Adopted {Vote}
21	07/01	(S)	Immediate Release
22	07/02	(S)	Enrolled Bill Signed
23	07/02	(H)	Enrolled Bill Signed
24	07/08		Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote

Amendment Report for Senate Bill No. 2684
Conference Reports:
| Conference Report

Code Section: A 047-0005-0931, A 047-0005-0933

----- Additional Information -----

Senate Committee: Corrections, Appropriations
House Committee: Corrections, Appropriations

Principal Author: Simmons (13th)
Additional Authors: Barnett, Jackson (32nd), Blackmon, Jackson (11th), Chassaniol, Frazier, Thomas, Jordan, Witherspoon, Simmons (12th), Hill

Title: AN ACT TO AMEND SECTIONS 47-5-931 AND 47-5-933, MISSISSIPPI CODE OF 1972, TO GRANT AUTHORITY TO THE GOVERNOR AND COMMISSIONER OF CORRECTIONS TO INCREASE THE NUMBER OF OFFENDERS WHO CAN BE PLACED IN REGIONAL CORRECTIONAL FACILITIES; TO AUTHORIZE TO INCREASE THE REGIONAL PER DIEM; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Simmons (13th), Barnett, Jackson (32nd), Blackmon, Jackson (11th), Chassaniol, Frazier, Thomas, Jordan, Witherspoon, Simmons (12th), Hill

To: Corrections; Appropriations

SENATE BILL NO. 2684
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 47-5-931 AND 47-5-933, MISSISSIPPI CODE OF 1972, TO GRANT AUTHORITY TO THE GOVERNOR AND COMMISSIONER OF CORRECTIONS TO INCREASE THE NUMBER OF OFFENDERS WHO CAN BE PLACED IN REGIONAL CORRECTIONAL FACILITIES; TO AUTHORIZE TO INCREASE THE REGIONAL PER DIEM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 47-5-931, Mississippi Code of 1972, is amended as follows:

47-5-931. (1) The Department of Corrections, in its discretion, may contract with the board of supervisors of one or more counties * * * or with a regional facility operated by one or more counties, to provide for housing, care and control of offenders who are in the custody of the State of Mississippi. Any facility owned or leased by a county or counties for this purpose shall be designed, constructed, operated and maintained in accordance with American Correctional Association standards, and shall comply with all constitutional standards of the United States and the State of Mississippi, and with all court orders that may now or hereinafter be applicable to the facility. If the

Department of Corrections contracts with more than one (1) county to house state offenders in county correctional facilities, excluding a regional facility, then the first of such facilities shall be constructed in Sharkey County and the second of such facilities shall be constructed in Jefferson County.

(2) The Department of Corrections shall contract with the board of supervisors of the following counties to house state inmates in regional facilities: (a) Marion and Walthall Counties; (b) Carroll and Montgomery Counties; (c) Stone and Pearl River Counties; (d) Winston and Choctaw Counties; (e) Kemper and Neshoba Counties; (f) Alcorn County * * * and any contiguous county in which there is located an unapproved jail; (* * *g) Yazoo County * * * and any contiguous county in which there is located an unapproved jail; (* * *h) Chickasaw County * * * and any contiguous county in which there is located an unapproved jail; (* * *i) George and Greene Counties * * * and any contiguous county in which there is located an unapproved jail; (* * *j) Washington County * * * and any contiguous county in which there is located an unapproved jail; (* * *k) Hinds County * * * and any contiguous county in which there is located an unapproved jail; (l) Leake County and any contiguous county in which there is located an unapproved jail; (m) Issaquena County and any contiguous county in which there is located an unapproved jail; (n) Jefferson County and any contiguous county in which there is located an unapproved jail; (o) Franklin County and any contiguous

county in which there is located an unapproved jail; (* * *p) Holmes County and any contiguous county in which there is located an unapproved jail; and (* * *q) Bolivar County and any contiguous county in which there is located an unapproved jail. * * * The Department of Corrections shall decide the order of priority of the counties listed in this subsection with which it will contract for the housing of state inmates. For the purposes of this subsection, the term "unapproved jail" means any jail that the local grand jury determines should be condemned or has found to be of substandard condition or in need of substantial repair or reconstruction.

(3) In addition to the offenders authorized to be housed under subsection (1) of this section, the Department of Corrections may contract with * * * any regional facility to provide for housing, care and control of not more than seventy-five (75) additional offenders who are in the custody of the State of Mississippi.

(4) The Governor and the Commissioner of Corrections are authorized to increase administratively the number of offenders who are in the custody of the State of Mississippi that can be placed in regional correctional facilities.

SECTION 2. Section 47-5-933, Mississippi Code of 1972, is amended as follows:

47-5-933. The Department of Corrections may contract for the purposes set out in Section 47-5-931 for a period of not more than twenty (20) years. The contract may provide that the Department of Corrections pay a fee of * * * no more than Thirty-one Dollars ($31.00) per day for each offender that is housed in the facility. The Department of Corrections may include in the contract, as an inflation factor, a three percent (3%) annual increase in the contract price. The state shall retain responsibility for medical care for state offenders to the extent that is required by law; provided, however, the department may reimburse each facility for contract medical services as provided by law in an amount not to exceed Six Dollars and Twenty-five Cents ($6.25) per day per offender.

SECTION 3. This act shall take effect and be in force from and after July 1, 2020.

Mississippi Legislature
2020 Regular Session

Senate Bill 2696

Description: Corrections; revise qualifications for commissioner and bring forward sections on parole and jails.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

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   1  02/17   (S) Referred To Corrections
   2  03/02   (S) Title Suff Do Pass Comm Sub
   3  03/12   (S) Committee Substitute Adopted
   4  03/12   (S) Passed {Vote}
   5  03/13   (S) Transmitted To House
   6  03/25   (H) Referred To Corrections; Appropriations
   7  06/03   (H) DR - TSDPAA: CN To AP
   8  06/09   (H) DR - TSDPAA: AP To CN
   9  06/09   (H) Title Suff Do Pass As Amended
  10  06/16   (H) Amended
  11  06/16   (H) Passed As Amended {Vote}
  12  06/17   (H) Returned For Concurrence
  13  06/18   (S) Decline to Concur/Invite Conf
  14  06/23   (S) Conferees Named Barnett,DeBar,Sparks
  15  06/22   (H) Conferees Named Horan,Bain,Yates
  16  06/26   (S) Conference Report Filed
  17  06/26   (H) Conference Report Filed
  18  06/29   (H) Conference Report Adopted {Vote}
  19  06/29   (S) Conference Report Adopted {Vote}
  20  07/02   (S) Enrolled Bill Signed
  21  07/02   (H) Enrolled Bill Signed
  22  07/08  Approved by Governor
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Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2696

Conference Reports:
| Conference Report

Code Section: A 047-0005-0024

----- Additional Information -----

Senate Committee: Corrections
House Committee: Corrections, Appropriations

Principal Author: Barnett
Additional Authors: Jordan, Butler, Jackson (11th), Jackson (32nd), Simmons (13th)

Title: AN ACT TO AMEND SECTION 47-5-24, MISSISSIPPI CODE OF 1972, TO REVISE THE MINIMUM QUALIFICATIONS FOR THE COMMISSIONER OF CORRECTIONS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Barnett, Jordan, Butler, Jackson (11th), Jackson (32nd), Simmons (13th)

To: Corrections

SENATE BILL NO. 2696

(As Sent to Governor)

AN ACT TO AMEND SECTION 47-5-24, MISSISSIPPI CODE OF 1972, TO REVISE THE MINIMUM QUALIFICATIONS FOR THE COMMISSIONER OF CORRECTIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 47-5-24, Mississippi Code of 1972, is amended as follows:

47-5-24. (1) The Governor shall appoint a Commissioner of Corrections, with the advice and consent of the Senate. Such commissioner may be removed by the Governor. The commissioner shall be the chief executive, administrative and fiscal officer of the department.

(2) The commissioner shall receive an annual salary fixed by the Governor, not to exceed the maximum authorized by law, in addition to all actual, necessary expenses incurred in the discharge of official duties, including mileage as authorized by law.

(3) The commissioner shall possess the following minimum qualifications:

(a) A master's degree in corrections, criminal justice, guidance, social work, or some related field, and at least six (6) years full-time experience in corrections, including at least three (3) years of correctional management experience; or

(b) A bachelor's degree in a field described in subparagraph (a) of this subsection and at least ten (10) years full-time work in corrections, five (5) years of which shall have been in correctional management; or

(c) Shall possess * * * relevant experience * * * in the private or public sector.

(4) The commissioner shall be required, upon assuming the duties of his office, to execute a good and sufficient bond payable to the State of Mississippi in the sum of Two Hundred Fifty Thousand Dollars ($250,000.00), conditioned upon an accurate accounting for all monies and property coming into his hands. The commissioner, upon approval by the Governor, may require of other officers, employees and agents of the department a good and sufficient bond in such sum as he may determine, subject to the minimum requirements set forth herein, payable to the State of Mississippi upon like condition. The bonds shall be approved by the Governor and filed with the Secretary of State, and shall be executed by a surety company authorized to do business under the laws of this state. The premium on any such bond shall be paid by the state out of the support and maintenance fund of the department.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2020 Regular Session

Senate Bill 2720

Description: Haul Seine net; prohibit use of for taking of certain fish within one-half mile of the shoreline of Cat Island.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

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   1  02/17   (S) Referred To Ports and Marine Resources
   2  02/27   (S) Title Suff Do Pass Comm Sub
   3  03/10   (S) Committee Substitute Adopted
   4  03/10   (S) Passed {Vote}
   5  03/11   (S) Transmitted To House
   6  03/25   (H) Referred To Marine Resources
   7  06/03   (H) Title Suff Do Pass As Amended
   8  06/16   (H) Amended
   9  06/16   (H) Passed As Amended {Vote}
  10  06/17   (H) Returned For Concurrence
  11  06/18   (S) Concurred in Amend From House {Vote}
  12  06/23   (S) Enrolled Bill Signed
  13  06/23   (H) Enrolled Bill Signed
  14  06/29  Approved by Governor
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Amendments:
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2720

Code Section: A 049-0015-0078

----- Additional Information -----

Senate Committee: Ports and Marine Resources
House Committee: Marine Resources

Principal Author: Thompson
Additional Authors: Moran, DeLano

Title: AN ACT TO AMEND SECTION 49-15-78, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE USE OF A HAUL SEINE NET FOR THE TAKING OF FISH

IN MARINE WATERS WITHIN ONE-HALF MILE OF THE SHORELINE OF CAT ISLAND; TO PROVIDE THE DEFINITION FOR THE PHRASE "LIKE CONTRIVANCES"; TO EXEMPT CAST NETS, BRILL NETS AND HAND SEINES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Thompson, Moran, DeLano To:

SENATE BILL NO. 2720
(As Sent to Governor)

AN ACT TO AMEND SECTION 49-15-78, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE USE OF A HAUL SEINE NET FOR THE TAKING OF FISH IN MARINE WATERS WITHIN ONE-HALF MILE OF THE SHORELINE OF CAT ISLAND; TO PROVIDE THE DEFINITION FOR THE PHRASE "LIKE CONTRIVANCES"; TO EXEMPT CAST NETS, BRILL NETS AND HAND SEINES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 49-15-78, Mississippi Code of 1972, is amended as follows:

49-15-78. (1) (a) It is unlawful for a person to use a gill net, trammel net, entanglement net, or like contrivances for the taking of * * * finfish in marine waters within one-half (1/2) mile of the shoreline.

(b) For the purposes of this section, the phrase "like contrivances" means any net that is similar in form, function, purpose or use to a gill net, trammel net or entanglement net.

(c) It is unlawful for a person to use a haul seine net for the taking of fish in marine waters within one-half (1/2) mile of the shoreline of Cat Island.

(d) The provisions of this section shall not apply to hand seines, cast nets or brill nets.

(2) A violation of this section is punishable by the penalties provided in Section 49-15-100 * * *.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2020 Regular Session

Senate Bill 2725

Description: Hemp; create the Mississippi Hemp Cultivation Act.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: Passage

History of Actions:

1	02/17	(S)	Referred To Agriculture
2	02/24	(S)	Title Suff Do Pass Comm Sub
3	03/11	(S)	Committee Substitute Adopted
4	03/11	(S)	Amendment Failed
5	03/11	(S)	Passed {Vote}
6	03/12	(S)	Transmitted To House
7	03/17	(H)	Referred To Agriculture
8	06/08	(H)	Title Suff Do Pass As Amended
9	06/12	(H)	Amended
10	06/12	(H)	Passed As Amended {Vote}
11	06/16	(H)	Returned For Concurrence
12	06/17	(S)	Failed to Concur {Vote}
13	06/17	(S)	Motion to Reconsider Entered
14	06/17	(S)	Motion to Reconsider W/Drawn
15	06/17	(S)	Motion to Reconsider Entered
16	06/18	(S)	Concurred in Amend From House {Vote}
17	06/23	(S)	Enrolled Bill Signed
18	06/23	(H)	Enrolled Bill Signed
19	06/29		Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub)Lost{Vote}
[S] Amendment No 2 (Cmte Sub)Lost Voice Vote
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2725

Code Section: A 069-0025-0051, A 041-0029-0113, A 041-0029-0105, A 041-0029-0136

----- Additional Information -----

Senate Committee: Agriculture

House Committee: Agriculture

Principal Author: Younger
Additional Authors: Jackson (32nd), Simmons (13th)

Title: AN ACT TO AUTHORIZE AND LEGALIZE THE CULTIVATION, PROCESSING AND TRANSPORTATION OF HEMP; TO DEFINE CERTAIN TERMS; TO DEVELOP A STATE PLAN TO MONITOR AND REGULATE THE CULTIVATION, TRANSPORTATION AND PROCESSING OF HEMP IN THIS STATE AND COMPLY WITH ALL FEDERAL LAWS AND UNITED STATES DEPARTMENT OF AGRICULTURE PLANS; TO REQUIRE THE LICENSING AND/OR REGISTRATION OF HEMP GROWERS AND PROCESSORS BY THE MISSISSIPPI DEPARTMENT OF AGRICULTURE AND COMMERCE; TO REQUIRE RECORD KEEPING AND INSPECTIONS; TO PROVIDE FOR FEES FOR LICENSING AND/OR REGISTRATION PROCESS; TO PROVIDE FOR THE REVOCATION OF LICENSES AND/OR REGISTRATION AND IMPOSITION OF CIVIL PENALTIES FOR VIOLATIONS OF THIS ACT; TO REQUIRE PERSONS GROWING OR PROCESSING HEMP TO GIVE BOND TO THE COMMISSIONER OF AGRICULTURE AND COMMERCE AS A CONDITION OF LICENSURE; TO AUTHORIZE THE COMMISSIONER TO ESTABLISH THE AMOUNT OF THE BOND, AND TO PROMULGATE ANY RULES AND REGULATIONS FOR THE ISSUANCE OF SUCH BONDS AND IN COMPLIANCE WITH ANY FEDERAL LAW OR REGULATION; TO AMEND SECTIONS 69-25-51, 41-29-113, 41-29-105 and 41-29-136, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Younger, Jackson (32nd), Simmons (13th)

To: Agriculture

SENATE BILL NO. 2725
(As Sent to Governor)

AN ACT TO AUTHORIZE AND LEGALIZE THE CULTIVATION, PROCESSING AND TRANSPORTATION OF HEMP; TO DEFINE CERTAIN TERMS; TO DEVELOP A STATE PLAN TO MONITOR AND REGULATE THE CULTIVATION, TRANSPORTATION AND PROCESSING OF HEMP IN THIS STATE AND COMPLY WITH ALL FEDERAL LAWS AND UNITED STATES DEPARTMENT OF AGRICULTURE PLANS; TO REQUIRE THE LICENSING AND/OR REGISTRATION OF HEMP GROWERS AND PROCESSORS BY THE MISSISSIPPI DEPARTMENT OF AGRICULTURE AND COMMERCE; TO REQUIRE RECORD KEEPING AND INSPECTIONS; TO PROVIDE FOR FEES FOR LICENSING AND/OR REGISTRATION PROCESS; TO PROVIDE FOR THE REVOCATION OF LICENSES AND/OR REGISTRATION AND IMPOSITION OF CIVIL PENALTIES FOR VIOLATIONS OF THIS ACT; TO REQUIRE PERSONS GROWING OR PROCESSING HEMP TO GIVE BOND TO THE COMMISSIONER OF AGRICULTURE AND COMMERCE AS A CONDITION OF LICENSURE; TO AUTHORIZE THE COMMISSIONER TO ESTABLISH THE AMOUNT OF THE BOND, AND TO PROMULGATE ANY RULES AND REGULATIONS FOR THE ISSUANCE OF SUCH BONDS AND IN COMPLIANCE WITH ANY FEDERAL LAW OR REGULATION; TO AMEND SECTIONS 69-25-51, 41-29-113, 41-29-105 and 41-29-136, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. **Short title; exclusivity.** This act shall be known as the "Mississippi Hemp Cultivation Act." The regulation of hemp cultivation and processing shall be governed exclusively by the provisions of the Mississippi Hemp Cultivation Act. A municipality, county or other political subdivision of this state shall not enact, adopt or enforce a rule, ordinance, order, resolution or other regulation that allows, prohibits or penalizes the cultivation, production or processing of hemp in this state.

SECTION 2. **Definitions**. For purposes of this act, the following words and phrases shall have the meanings set forth below unless the context clearly indicates otherwise:

(a) "Bureau of Plant Industry" means a division of the Mississippi Department of Agriculture and Commerce created under the provision of Section 69-25-3.

(b) "Business entity" means a nonnatural person and includes nonprofit and for profit corporations, partnerships, limited liability corporations, and other legal entities recognized by law.

(c) "Commissioner" means the Commissioner of Agriculture and Commerce of the State of Mississippi. Where applicable under the provisions of this act, "commissioner" shall include the commissioner's designee.

(d) "Delta-9-tetrahydrocannabinol" means the sum of the percentage by weight of tetrahydrocannabinol acid multiplied by eight hundred seventy-seven thousandths (0.877) plus the percentage by weight of delta-9-tetrahydrocannabinol.

(e) "Department" means the Mississippi Department of Agriculture and Commerce.

(f) "Grower" means a person, business entity, joint venture or cooperative that cultivates, grows or harvests hemp.

(g) "Hemp" means the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol (THC) concentration of not more than three-tenths percent (0.3%) on a dry weight basis that is grown or processed under Sections 1 through 11 of this act.

(h) "Legal description of land" means Global Position System coordinates and shall also include the metes and bounds to include township, range, and section for the location in which hemp is grown.

(i) "Person" means any person, firm, association, corporation or business entity.

(j) "Processor" means a person, business entity, joint venture or cooperative that receives hemp for processing into commodities, products or hemp seed. A processor also includes any such entity that brokers and/or stores hemp.

(k) "State plan" means the plan contemplated by 7 C.F.R. Part 990 Subpart B that a state must file for approval with the United States Secretary of Agriculture.

(l) "USDA" means the United States Department of Agriculture.

SECTION 3. **Special fund.** There shall be established in the State Treasury a special fund for the department to administer the State Plan. The fund shall consist of amounts received from appropriations, and any other proceeds from gifts, grants, federal funds, application fees, registration fees, and any other funds, both public and private, made available for the purposes of this chapter. The fund shall be administered by the department. Unexpended monies remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into the fund.

SECTION 4. **Licensing and registration.** (1) Pursuant to the provisions of this act, cultivation and processing of hemp, as defined in Section 2 of this act, are authorized in this state. Cultivation and processing of hemp are subject to regulation by the department and may only be performed by persons or business entities that hold a valid license or registration issued hereunder.

(2) The commissioner shall create a State Plan for submission to and approval by the United States Department of Agriculture and the United States Secretary of Agriculture. The commissioner and department shall promulgate such reasonable regulations as necessary to implement the State Plan and provisions of this act. The commissioner and the department shall be authorized to promulgate any rule or regulation deemed necessary for the administration of the provisions of this act in compliance with any federal law, rule or regulation promulgated by the United States Department of Agriculture.

(3) The department is authorized to accept applications, and issue licenses and/or registrations for all hemp growers and hemp processors. The department shall adopt and enforce all rules and regulations related to those licenses and/or registrations.

(4) All hemp growers must be licensed by the department.

(5) All hemp processors must register with the department.

(6) All licensed holders and registered processors shall keep and maintain crop and/or processing records in accordance with rules and regulations adopted and enforced by the department. The department may subject the required records to inspection. The department may make an inspection for the purpose of ensuring compliance with:

(a) USDA guidelines;

(b) Provisions of this act;

(c) Department rules and regulations;

(d) Any terms or conditions of a license issued hereunder;

(e) Registration with the department; or

(f) A final department order directed to the grower's or processor's hemp operations or activities.

(7) All hemp growers and processors shall be subject to a background investigation conducted by the Department of Public Safety, which shall include both a state and federal background check.

SECTION 5. **Transport of hemp.** Hemp growers must keep a copy of their hemp grower's license in all vehicles used to transport hemp under normal cultivation activities. Any person transporting or delivering hemp for commerce purposes shall have a dated invoice, bill of lading, or manifest in his or her possession during the entire time he or she is transporting or delivering hemp. The invoice, bill of lading, or manifest shall include the following information:

(a) The seller's and the purchaser's license and/or registration number, name and address;

(b) The specific origin and destination of the hemp being transported;

(c) The quantity of hemp being transported; and

(d) Any additional information and/or documentation required by the department.

SECTION 6. **Enforcement.** (1) (a) The commissioner or the commissioner's designee may enter, at reasonable times, upon any public or private property at which hemp is being cultivated or processed for the purpose of determining compliance with this chapter and rules adopted under it. The Director of the Bureau of Plant Industry may apply for, and any judge of a court of competent jurisdiction, may issue a search warrant as is necessary to achieve the purposes of this chapter relating to things, property or places within the court's territorial jurisdiction.

(b) If the commissioner or the commissioner's designee determines that emergency conditions exist requiring immediate action necessary to protect public health or safety of the environment, the commissioner or the commissioner's designee may issue an order stating the existence of such conditions and requiring specific actions be taken to mitigate those conditions without providing prior notice or an adjudication hearing.

(c) Any person to whom such an order is issued shall immediately comply with that order, and may apply to the Director of the Bureau of Plant Industry for an adjudication hearing. Upon receiving an application for an adjudication hearing, the director shall hold the hearing as soon as practicable and not later than thirty (30) days after receipt of the application. On the basis of the hearing, the director shall continue the order in effect, revoke it, or modify it.

(d) In addition to any other available remedies, the commissioner or the Mississippi Attorney General may apply to the circuit court in the county where any provision of this chapter or an order issued under paragraph (b) of this subsection is being violated for an injunction restraining any person from continuing the violation.

(e) An employee of the state or any division, agency, institution thereof involved in the administration and/or enforcement of this act, shall not be subject to prosecution for violations related to possession or transportation of hemp or cannabis in conjunction with the employee's duties arising under this chapter.

(2) In addition to any other liability or penalty provided by law, the department may revoke or refuse to issue or renew a hemp grower license or hemp processor registration and may impose a civil penalty for violations of:

(a) A license or registration requirement;

(b) License or registration terms or conditions;

(c) Department rules and regulations relating to growing or processing hemp; or

(d) A final order of the department that is specifically directed to the grower's or processor's hemp operations or activities.

(3) The department may impose administrative penalties for violations under this section in accordance with Section 69-25-51.

SECTION 7. **Negligent violations.** (1) Upon a determination by the commissioner or the commissioner's designee, the following may constitute negligent violations:

(a) Failing to provide a legal description of land on which the grower produces hemp;

(b) Failing to obtain a license or other required authorization from the department;

(c) Failing to register with the department;

(d) Producing Cannabis sativa L. with a delta-9-tetrahydrocannabinol concentration of more than five-tenths percent (0.5%) on a dry weight basis; or

(e) Any other violation of the State Plan, including any rules and regulations set forth by the department.

(2) **Corrective action plan.** (a) A hemp grower shall comply with a plan established by the commissioner or the commissioner's designee to correct the negligent violation, including:

(i) A reasonable date by which the hemp grower shall correct the negligent violation; and

(ii) A requirement that the hemp grower shall periodically report to the commissioner or the commissioner's designee regarding the compliance with the corrective plan for a period of not less than the next two (2) calendar years.

(b) The department shall notify the Mississippi Bureau of Narcotics of all corrective action plans implemented by the commissioner or the commissioner's designee.

(3) **Result of negligent violation.** A hemp grower that negligently violates the State Plan shall not, as a result of that violation, be subject to any criminal enforcement action by a state, county or local government entity.

(4) **Repeat violations.** A hemp grower that negligently violates the State Plan three (3) times in a five-year period shall be ineligible to produce hemp for a period of five (5) years beginning on the date of the third violation.

SECTION 8. **Nonnegligent violations.** If a hemp grower violates the State Plan, including growing hemp containing a delta-9-tetrahydrocannabinol (THC) concentration that exceeds three-tenths percent (0.3%) on a dry mass basis or a tolerance range as specified by USDA, with a culpable mental state greater than negligence as determined by the department, the commissioner shall immediately report the violation and the hemp grower to the United States Attorney General, the Mississippi Attorney General and the Mississippi Public Safety Commissioner. Such violations shall also be referred to the Mississippi Bureau of Narcotics for investigation. The Bureau of Narcotics may detain, seize and/or destroy the crop and may initiate a criminal case for any violation of this act or the Mississippi Uniform Controlled Substances Law. The Mississippi Attorney General shall, in person or by his or her designee, prosecute all criminal actions related to violations arising under this chapter relating to hemp, on behalf of the State. Violations of the State Plan that involve culpability greater than negligence must be reported to the United States Attorney General and the Mississippi Attorney General. The provisions of Section 7 of this act shall not apply to nonnegligent violations.

SECTION 9. **Prohibitions.** (1) It shall be unlawful for any person or business entity to:

(a) Violate this chapter or any rules or regulations promulgated under this chapter;

(b) Fail to comply with a corrective action plan issued by the commissioner under Section 7(2) of this act;

(c) Transport hemp or hemp materials in violation of Section 5 of this act or rules or regulations adopted under this chapter; or

(d) Cultivate or grow hemp with a delta-9-tetrahydrocannabinol (THC) concentration of more than three-tenths percent (0.3%) on a dry weight basis.

(2) Any person or business entity that purposely, knowingly or recklessly violates this provision of this chapter relating to hemp production or processing shall be guilty of a misdemeanor and, upon conviction of the violation, shall be fined in an amount not to exceed Five Thousand Dollars ($5,000.00), or sentenced to imprisonment in the county jail for not more than one (1) year, or both such fine and imprisonment.

(3) Notwithstanding subsection (2) of this section, if any person or entity purposely, recklessly or knowingly cultivates or grows hemp with a delta-9-tetrahydrocannabinol (THC) concentration of more than one percent (1%) on a dry weight basis that person or entity shall be guilty of a felony punishable by imprisonment for not more than five (5) years, or a fine of not more than Ten Thousand Dollars ($10,000.00), or both such fine and imprisonment.

(4) For purposes of this section, the terms "purposely", "knowingly" and "recklessly" have the following meanings:

(a) "Purposefully" means a person acts purposely with respect to a material element of an offense if:

(i) The element involves the nature of his or her conduct or a result thereof, it is his or her conscious object to engage in conduct of that nature or to cause such a result; and

(ii) The element involves the attendant circumstances, he or she is aware of the existence of such circumstances or he or she believes or hopes that they exist.

(b) "Knowingly" means a person acts knowingly with respect to a material element of an offense if:

(i) The element involves the nature of his or her conduct or the attendant circumstances, he or she is aware that his or her conduct is of that nature or that such circumstances exist; and

(ii) The element involves a result of his or her conduct, he or she is aware that it is practically certain that his or her conduct will cause such a result.

(c) "Recklessly" means a person acts recklessly with respect to a material element of an offense when he or she consciously disregards a substantial and unjustifiable risk that the material element exists or will result from his or her conduct. The risk must be of such a nature and degree that, considering the nature and purpose of the actor's conduct and the circumstances known to him or her, its disregard involves a gross deviation from the standard of conduct that a law-abiding person would observe in the actor's situation.

SECTION 10. **General provisions.** (1) Any person convicted of a felony relating to a controlled substance under state or federal law before, on or after the date of enactment of this act shall be ineligible, during the ten-year period following the date of the conviction to participate in the program established under this act and to produce hemp under any regulations or guidelines issued under this act.

(2) Any person who materially falsifies any information contained in an application to participate in the State Plan established under this act shall be ineligible to participate in the State Plan.

(3) In addition to any inspection conducted, the department may inspect any hemp crop at any time and take a representative composite sample for analysis. It shall be the duty of the department to take such samples and deliver them to the State Chemist for examination and analysis. It shall be the duty of the State Chemist to cause as many analyses to be made of samples delivered to him or her by the department as may be necessary to properly implement the intent of this act. The State Chemist shall make a report of such analyses to the department.

(4) The department shall charge growers and processors a fee or fees as determined by the department in a sufficient amount to

cover the costs required to administer and enforce the provisions of this chapter.

SECTION 11. **Necessity of surety bond.** No person shall operate as a hemp processor without first having secured a surety bond pursuant to this section. The commissioner shall promulgate rules and regulations as necessary to require hemp processors to secure a surety bond. A hemp processor may file with the department, in lieu of a surety bond, a certificate of deposit or irrevocable letter of credit from any bank or banking corporation insured by the Federal Deposit Insurance Corporation. Rules and regulations required for certificates of deposit and irrevocable letters of credit shall be promulgated by the commissioner.

SECTION 12. Section 69-25-51, Mississippi Code of 1972, is amended as follows:

69-25-51. (1) When any administrative allegation or charge is made against a person for violating the rules and regulations of the Bureau of Plant Industry of the Mississippi Department of Agriculture and Commerce or the laws under Sections 69-3-1 through 69-3-29, Sections 69-19-1 through 69-19-15, Sections 69-21-101 through 69-21-128, Sections 69-23-1 through 69-23-135, Sections 69-25-1 through 69-25-47 or Sections 69-25-101 through 69-25-109, Mississippi Code of 1972, or Sections 1 through 11 of Senate Bill No. 2725, 2020 Regular Session, the Director of the Bureau of Plant Industry, or his designee, shall act as the reviewing officer. The complaint must be in writing, signed by the person making the charge, and filed in the Office of the Bureau of Plant Industry. The department shall send a copy of the complaint and any supporting documents to the person accused along with a summons requiring the accused to respond to the allegations within thirty (30) days. The notification shall be accomplished by any of the methods provided for in Rule 4 of the Mississippi Rules of Civil Procedure or by certified mail. If the accused does not respond within the thirty-day period, he shall be considered to be in default. Upon receipt of the response and any supporting documents from the accused, the reviewing officer shall determine the merits of the complaint. The reviewing officer may meet informally with the accused and discuss the alleged violation with him.

(2) If the reviewing officer determines that the complaint lacks merit, he may dismiss the complaint.

(3) If the reviewing officer determines that there is substantial evidence that a violation has occurred or if the accused admits to the truth of the allegations upon which the complaint is based, the reviewing officer may impose an appropriate penalty on the accused, which may be any or all of the following:

(a) Issue a warning letter.

(b) Suspend, modify, deny, cancel or revoke any license or permit granted by the department to the accused.

(c) Issue a stop sale order with regard to any pesticide, plant or other material regulated by the department that is mislabeled or otherwise not in compliance with applicable law or regulations.

(d) Require the accused to relabel any pesticide, plant or other material regulated by the department that is mislabeled.

(e) Seize any pesticide, plant or other material regulated by the department and sell, destroy or otherwise dispose of the material and apply the proceeds of the sale to the state's expenses and any fees or penalties levied under this article.

(f) Refuse to register, cancel or suspend the registration of a pesticide, plant or other material that is not in compliance with any applicable law or regulation.

(g) Levy a civil penalty in an amount not to exceed Five Thousand Dollars ($5,000.00) for each violation.

In determining the amount of the penalty, the reviewing officer shall consider the appropriateness of the penalty for the particular violation, the effect of the penalty on the person's ability to continue in business and the gravity of the violation.

(4) If the accused requests a hearing with the department, in writing, within thirty (30) days from receipt of the decision of the reviewing officer, the commissioner shall appoint three (3) members of the advisory board to the Bureau of Plant Industry to act as a hearing committee and a hearing shall be scheduled. If

the accused fails to request a hearing within the thirty-day period, the decision of the reviewing officer is final.

SECTION 13. Section 41-29-113, Mississippi Code of 1972, is amended as follows:

41-29-113.

SCHEDULE I

(a) Schedule I consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, that is listed in this section.

(b) **Opiates.** Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) Acetyl-alpha-methylfentanyl;

(2) Acetyl Fentanyl N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide;

(3) AH-7921 (3,4-dichloro-*N*-[(1-dimethylamino) cyclohexylmethyl]benzamide);

(4) Acetylmethadol;

(5) Allylprodine;

(6) Alphacetylmethadol, except levo-alphacetylmethadol (levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);

(7) Alphameprodine;

(8) Alphamethadol;

(9) Alpha-methylfentanyl;

(10) Alpha-methylthiofentanyl;

(11) Benzethidine;

(12) Betacetylmethadol;

(13) Beta-hydroxyfentanyl;

(14) Beta-hydroxy-3-methylfentanyl;

(15) Betameprodine;

(16) Betamethadol;

(17) Betaprodine;

(18) Butyrl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutyramide);

(19) Clonitazene;

(20) Dextromoramide;

(21) Diampromide;

(22) Diethylthiambutene;

(23) Difenoxin;

(24) Dimenoxadol;

(25) Dimepheptanol;

(26) Dimethylthiambutene;

(27) Dioxaphetyl butyrate;

(28) Dipipanone;

(29) Ethylmethylthiambutene;

(30) Etonitazene;

(31) Etoxeridine;

(32) Fentanyl-related substances, meaning any substance not otherwise listed under another schedule and for which no exemption or approval is in effect under Section 505 of the Federal Food, Drug, and Cosmetic Act [21 USC 355] that is structurally related to fentanyl by one or more of the following modifications:

(A) Replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;

(B) Substitution in or on the phenethyl group with alkyl, alkenyl, alkoxyl, hydroxyl, halo, haloalkyl, amino or nitro groups;

(C) Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino or nitro groups;

(D) Replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; and/or

(E) Replacement of the N-propionyl group by another acyl group.

Fentanyl-related substances include, but are not limited to, cyclopropyl fentanyl, (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide); Furanyl-Fentanyl, (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide);

valeryl fentanyl, (N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide);

para-fluorobutyryl fentanyl, (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);

para-methoxybutyryl fentanyl, (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);

para-chloroisobutyryl fentanyl, (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);

isobutyryl fentanyl, (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide);

cyclopentyl fentanyl, (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide); and

ocfentanil, (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide);

(33) Furethidine;

(34) Hydroxypethidine;

(35) Ketobemidone (including the optical and geometric isomers);

(36) Levomoramide;

(37) Levophenacylmorphan;

(38) 3-methylfentanyl;

(39) 3-methylthiofentanyl;

(40) Morpheridine;

(41) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);

(42) *N*-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-*N*-phenylpropionamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers (other names: beta-hydroxythiofentanyl);

(43) Noracymethadol;

(44) Norlevorphanol;

(45) Normethadone;

(46) Norpipanone;

(47) Para-fluorofentanyl;

(48) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);

(49) Phenadoxone;

(50) Phenampromide;

(51) Phenomorphan;

(52) Phenoperidine;

(53) Piritramide;

(54) Proheptazine;

(55) Properidine;

(56) Propiram;

(57) Racemoramide;

(58) Thiofentanyl;

(59) Tilidine;

(60) Trimeperidine;

(61) U-47700, 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide.

(c) **Opium derivatives.** Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, their salts, isomers and salts of isomers, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine;

(2) Acetyldihydrocodeine;

(3) Benzylmorphine;

(4) Codeine methylbromide;

(5) Codeine-N-Oxide;

(6) Cyprenorphine;

(7) Desomorphine;

(8) Dihydromorphine;

(9) Drotebanol;

(10) Etorphine (except hydrochloride salt);

(11) Heroin;

(12) Hydromorphinol;

(13) Methyldesorphine;

(14) Methyldihydromorphine;

(15) Monoacetylmorphine;

(16) Morphine methylbromide;

(17) Morphine methylsulfonate;

(18) Morphine-N-Oxide;

(19) Myrophine;

(20) Nicocodeine;

(21) Nicomorphine;

(22) Normorphine;

(23) Pholcodine;

(24) Thebacon.

(d) **Hallucinogenic substances.** Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, their salts, isomers (whether optical, positional, or geometric) and salts of isomers, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Alpha-ethyltryptamine;

(2) 4-bromo-2,5-dimethoxy-amphetamine;

(3) 4-bromo-2,5-dimethoxyphenethylamine;

(4) 2,5-dimethoxyamphetamine;

(5) 2,5-dimethoxy-4-ethylamphetamine (DOET);

(6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7);

(7) 4-methoxyamphetamine;

(8) 5-methoxy-3,4-methylenedioxy-amphetamine;

(9) 4-methyl-2,5-dimethoxy-amphetamine;

(10) 3,4-methylenedioxy amphetamine;

(11) 3,4-methylenedioxymethamphetamine (MDMA);

(12) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);

(13) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy MDA, N-OHMDA, and N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine);

(14) 3,4,5-trimethoxy amphetamine;

(15) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);

(16) Alpha-methyltryptamine (also known as AMT);

(17) Bufotenine;

(18) Diethyltryptamine;

(19) Dimethyltryptamine;

(20) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);

(21) Ibogaine;

(22) Lysergic acid diethylamide (LSD);

(23) (A) Marijuana (Hemp as defined and regulated under Sections 1 through 11 of this act and Cannabidiol contained in a legend drug product approved by the Federal Food and Drug Administration or obtained under Section 41-29-136 * * * are exempt under Schedule I);

(B) Hashish;

(24) Mescaline;

(25) Parahexyl;

(26) Peyote;

(27) N-ethyl-3-piperidyl benzilate;

(28) N-methyl-3-piperidyl benzilate;

(29) Psilocybin;

(30) Psilocyn;

(31) Tetrahydrocannabinols, meaning tetrahydrocannabinols contained in a plant of the genus Cannabis (cannabis plant), as well as the synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant such as the following:

(A) 1 cis or trans tetrahydrocannabinol;

(B) 6 cis or trans tetrahydrocannabinol;

(C) 3,4 cis or trans tetrahydrocannabinol.

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of atomic positions, are covered.)

("Tetrahydrocannabinols" excludes dronabinol and nabilone.) For purposes of this paragraph, tetrahydrocannabinols do not include hemp or hemp products regulated under Sections 1 through 11 of this act.

However, the following products are exempted from control:

(i) THC-containing industrial products made from cannabis stalks (e.g., paper, rope and clothing);

(ii) Processed cannabis plant materials used for industrial purposes, such as fiber retted from cannabis stalks for use in manufacturing textiles or rope;

(iii) Animal feed mixtures that contain sterilized cannabis seeds and other ingredients (not derived from the cannabis plant) in a formula designed, marketed and distributed for nonhuman consumption;

(iv) Personal care products that contain oil from sterilized cannabis seeds, such as shampoos, soaps, and body lotions (if the products do not cause THC to enter the human body); * * *

(v) * * * Hemp as regulated under Sections 1 through 11 of this act; and

(vi) Any product derived from the hemp plant designed for human ingestion and/or consumption that is approved by the United States Food and Drug Administration;

(32) Phencyclidine;

(33) Ethylamine analog of phencyclidine (PCE);

(34) Pyrrolidine analog of phencyclidine (PHP, PCPy);

(35) Thiophene analog of phencyclidine;

(36) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine (TCPy);

(37) 4-methylmethcathinone (mephedrone);

(38) 3,4-methylenedioxypyrovalerone (MDPV);

(39) 2-(2,5-dimethoxy-4-ethylphenyl)ethanamine (2C-E);

(40) 2-(2,5-dimethoxy-4-methylphenyl)ethanamine (2C-D);

(41) 2-(4-chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);

(42) 2-(4-iodo-2,5-dimethoxyphenyl)ethanamine (2C-I); or 2,5-dimethoxy-4-iodophenethylamine;

(43) 2-[4-(ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);

(44) 2-[4-(isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);

(45) 2-(2,5-dimethoxyphenyl)ethanamine (2C-H);

(46) 2-(2,5-dimethoxy-4-nitro-phenyl)ethanamine (2C-N);

(47) 2-(2,5-dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);

(48) 3,4-methylenedioxy-N-methylcathinone(methylone);

(49) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36);

(50) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82);

(51) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine or N-[(2-methoxyphenyl)methyl]ethanamine (25I-NBOMe; 2C-I-NBOMe; 25I; Cimbi-5);

(52) 7-bromo-5-(2-chlorophenyl)-1,3-dihydro-2H-1, 4-benzodiazepin-2-one (also known as Phenazepam);

(53) 7-(2-chlorophenyl)-4-ethyl-13-methyl-3-thia-1,8,11,12-tetraazatricyclo[8.3.0.0]trideca-2(6),4,7,10,12-pentaene (also known as Etizolam);

(54) Salvia divinorum;

(55) Synthetic cannabinoids. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of a synthetic cannabinoid found in any of the following chemical groups, whether or not substituted to any extent, or any of those groups which contain any synthetic cannabinoid salts, isomers, or salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical designation, including all synthetic cannabinoid chemical analogues in such groups:

(A) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (also known as HU-210 or 1,1-dimethylheptyl-11-hydroxy-delta8-tetrahydrocannabinol);

(B) Naphthoylindoles and naphthylmethylindoles, being any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane, whether or not substituted in the indole ring to any extent, or in the naphthyl ring to any extent;

(C) Naphthoylpyrroles, being any compound structurally derived from 3-(1-naphthoyl)pyrrole, whether or not substituted in the pyrrole ring to any extent, or in the naphthyl ring to any extent;

(D) Naphthylmethylindenes, being any compound structurally derived from 1-(1-naphthylmethyl)indene, whether or not substituted in the indene ring to any extent or in the naphthyl ring to any extent;

(E) Phenylacetylindoles, being any compound structurally derived from 3-phenylacetylindole, whether or not substituted in the indole ring to any extent or in the phenyl ring to any extent;

(F) Cyclohexylphenols, being any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol, whether or not substituted in the cyclohexyl ring to any extent or in the phenolic ring to any extent;

(G) Benzoylindoles, whether or not substituted in the indole ring to any extent or in the phenyl ring to any extent;

(H) Adamantoylindoles, whether or not substituted in the indole ring to any extent or in the adamantoyl ring system to any extent;

(I) Tetrahydro derivatives of cannabinol and 3-alkyl homologues of cannabinol or of its tetrahydro derivatives, except where contained in cannabis or cannabis resin;

(J) 3-Cyclopropylmethanone indole or 3-Cyclobutylmethanone indole or 3-Cyclopentylmethanone indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the cyclopropyl, cyclobutyl or cyclopentyl rings to any extent;

(K) Quinolinyl ester indoles, being any compound structurally derived from 1H-indole-3carboxylic acid-8-quinolinyl ester, whether or not substituted in the indole ring to any extent or the quinolone ring to any extent;

(L) 3-carboxamide-1H-indazoles, whether or not substituted in the indazole ring to any extent and substituted to any degree on the carboxamide nitrogen and 3-carboxamide-1H-indoles, whether or not substituted in the indole ring to any extent and substituted to any degree on the carboxamide nitrogen;

(M) Cycloalkanemethanone Indoles, whether or not substituted at the nitrogen atom on the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the cycloalkane ring to any extent.

(e) **Depressants.** Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Gamma-hydroxybutyric acid (other names include: GHB, gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

(2) Mecloqualone;

(3) Methaqualone.

(f) **Stimulants**. Any material, compound, mixture or preparation which contains any quantity of the following central nervous system stimulants including optical salts, isomers and salts of isomers unless specifically excepted or unless listed in another schedule:

(1) Aminorex;

(2) N-benzylpiperazine (also known as BZP and 1-benzylpiperazine);

(3) Cathinone;

(4) Fenethylline;

(5) Methcathinone;

(6) 4-methylaminorex (also known as 2-amino-4-methyl-5-phenyl-2-oxazoline);

(7) N-ethylamphetamine;

(8) Any material, compound, mixture or preparation which contains any quantity of N,N-dimethylamphetamine. (Other names include: N,N,-alpha-trimethyl-benzeneethanamine and N,N-alpha-trimethylphenethylamine);

(9) **Synthetic cathinones**. (A) Unless listed in another schedule, any compound other than bupropion that is

structurally derived from 2-Amino-1-phenyl-1-propanone by modification in any of the following ways:

(i) By substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;

(ii) By substitution at the 3-position with an alkyl substituent;

(iii) By substitution at the nitrogen atom with alkyl or dialkyl groups, or by inclusion of the nitrogen atom in a cyclic structure.

(B) The compounds covered in this paragraph (9) include, but are not limited to, any material_,_ compound, mixture or preparation which contains any quantity of a synthetic cathinone found in any of the following compounds, whether or not substituted to any extent, or any of these compounds which contain any synthetic cathinone, or salts, isomers, or salts of isomers, whenever the existence of such salts, isomers or salts of isomers is possible, unless specifically excepted or listed in another schedule:

(i) 4-methyl-N-ethylcathinone ("4-MEC");

(ii) 4-methyl-alpha-pyrrolidinopropiophenone ("4-MePPP");

(iii) Alpha-pyrrolidinopentiophenone ("α-PVP");

(iv) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one ("butylone");

(v) 2-(methylamino)-1-phenylpentan-1-one ("pentedrone");

(vi) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one ("pentylone");

(vii) 4-fluoro-N-methylcathinone ("4-FMC");

(viii) 3-fluoro-N-methylcathinone ("3-FMC");

(ix) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one ("naphyrone");

(x) Alpha-pyrrolidinobutiophenone ("α-PBP"); and

(xi) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one (N-ethylpentylone, ephylone).

SECTION 14. Section 41-29-105, Mississippi Code of 1972, is amended as follows:

41-29-105. The following words and phrases, as used in this article, shall have the following meanings, unless the context otherwise requires:

(a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(* * *i) A practitioner (or, in his presence, by his authorized agent); or

(* * *ii) The patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. Such word does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman. This definition shall not be applied to the term "agent" when such term clearly designates a member or officer of the Bureau of Narcotics or other law enforcement organization.

(c) "Board" means the Mississippi State Board of Medical Licensure.

(d) "Bureau" means the Mississippi Bureau of Narcotics. However, where the title "Bureau of Drug Enforcement" occurs, that term shall also refer to the Mississippi Bureau of Narcotics.

(e) "Commissioner" means the Commissioner of the Department of Public Safety.

(f) "Controlled substance" means a drug, substance or immediate precursor in Schedules I through V of Sections 41-29-113 through 41-29-121.

(g) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

(h) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(i) "Director" means the Director of the Bureau of Narcotics.

(j) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for that delivery.

(k) "Dispenser" means a practitioner who dispenses.

(l) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(m) "Distributor" means a person who distributes.

(n) "Drug" means (* * *i) a substance recognized as a drug in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (* * *ii) a substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (* * *iii) a substance (other than food) intended to affect the structure or any function of the body of man or animals; and (* * *iv) a substance intended for use as a component of any article specified in this paragraph. Such word does not include devices or their components, parts, or accessories.

(o) "Hashish" means the resin extracted from any part of the plants of the genus Cannabis and all species thereof or any preparation, mixture or derivative made from or with that resin.

(p) "Immediate precursor" means a substance which the board has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

(q) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term "manufacture" does not include the preparation, compounding, packaging or labeling of a controlled substance in conformity with applicable state and local law:

(* * *i) By a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice; or

(* * *ii) By a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

(r) " * * * Marijuana" means all parts of the plant of the genus Cannabis and all species thereof, whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds, excluding hashish.

The term "marijuana" does not include "hemp" as defined in and regulated by Sections 1 through 11 of this act.

(s) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(* * *i) Opium and opiate, and any salt, compound, derivative or preparation of opium or opiate;

(* * *ii) Any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause 1, but not including the isoquinoline alkaloids of opium;

(* * *iii) Opium poppy and poppy straw; and

(* * *iv) Cocaine, coca leaves and any salt, compound, derivative or preparation of cocaine, coca leaves, and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(t) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under Section 41-29-111, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). Such word does include its racemic and levorotatory forms.

(u) "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds.

(v) (i) "Paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the Uniform Controlled Substances Law. It includes, but is not limited to:

* * *1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

* * *2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

* * *3. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance;

* * *4. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;

* * *5. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances;

* * *6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances;

* * *7. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, * * * marijuana;

* * *8. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances;

* * *9. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances;

* * *10. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances;

* * *11. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body;

* * *12. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing * * * marijuana, cocaine, hashish or hashish oil into the human body, such as:

* * *a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

* * *b. Water pipes;

* * *c. Carburetion tubes and devices;

* * *d. Smoking and carburetion masks;

* * *e. Roach clips, meaning objects used to hold burning material, such as a * * * marijuana

cigarette, that has become too small or too short to be held in the hand;

* * *f. Miniature cocaine spoons and cocaine vials;

* * *g. Chamber pipes;

* * *h. Carburetor pipes;

* * *i. Electric pipes;

* * *j. Air-driven pipes;

* * *k. Chillums;

* * *l. Bongs; and

* * *m. Ice pipes or chillers.

(ii) In determining whether an object is paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

* * *1. Statements by an owner or by anyone in control of the object concerning its use;

* * *2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;

* * *3. The proximity of the object, in time and space, to a direct violation of the Uniform Controlled Substances Law;

* * *4. The proximity of the object to controlled substances;

* * *5. The existence of any residue of controlled substances on the object;

* * *6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of the Uniform Controlled Substances Law; the innocence of an owner, or of anyone in control of the object, as to a direct violation of the Uniform Controlled Substances Law shall not prevent a finding that the object is intended for use, or designed for use as paraphernalia;

* * *7. Instructions, oral or written, provided with the object concerning its use;

* * *8. Descriptive materials accompanying the object which explain or depict its use;

* * *9. National and local advertising concerning its use;

* * *10. The manner in which the object is displayed for sale;

* * *11. Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

* * *12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

* * *13. The existence and scope of legitimate uses for the object in the community;

* * *14. Expert testimony concerning its use.

(w) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(x) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(y) "Practitioner" means:

(* * *i) A physician, dentist, veterinarian, scientific investigator, optometrist certified to prescribe and use therapeutic pharmaceutical agents under Sections 73-19-153 through 73-19-165, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state; and

(* * *ii) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(z) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(aa) "Sale," "sell" or "selling" means the actual, constructive or attempted transfer or delivery of a controlled substance for remuneration, whether in money or other consideration.

(bb) "State," when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(cc) "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

SECTION 15. Section 41-29-136, Mississippi Code of 1972, is amended as follows:

41-29-136. (1) "CBD solution" means a pharmaceutical preparation consisting of processed cannabis plant extract in oil or other suitable vehicle.

(2) (a) CBD solution prepared from (i) Cannabis plant extract that is provided by the National Center for Natural Products Research at the University of Mississippi under appropriate federal and state regulatory approvals, or (ii) Cannabis extract from hemp produced pursuant to Sections 1 through 11 of this act, which is prepared and tested to meet compliance with regulatory specifications, may be dispensed by the Department of Pharmacy Services at the University of Mississippi Medical

Center (UMMC Pharmacy) after mixing the extract with a suitable vehicle. The CBD solution may be prepared by the UMMC Pharmacy or by another pharmacy or laboratory in the state under appropriate federal and state regulatory approvals and registrations. * * *

(b) The patient or the patient's parent, guardian or custodian must execute a hold-harmless agreement that releases from liability the state and any division, agency, institution or employee thereof involved in the research, cultivation, processing, formulating, dispensing, prescribing or administration of CBD solution obtained from entities authorized under this section to produce or possess cannabidiol for research under appropriate federal and state regulatory approvals and registrations.

(c) The National Center for Natural Products Research at the University of Mississippi and the Mississippi Agricultural and Forestry Experiment Station at Mississippi State University are the only entities authorized to produce cannabis plants for cannabidiol research.

(d) Research of CBD solution under this section must comply with the provisions of Section 41-29-125 regarding lawful possession of controlled substances, of Section 41-29-137 regarding record-keeping requirements relative to the dispensing, use or administration of controlled substances, and of Section 41-29-133 regarding inventory requirements, insofar as they are applicable. Authorized entities may enter into public-private partnerships to facilitate research.

(3) (a) In a prosecution for the unlawful possession of marijuana under the laws of this state, it is an affirmative and complete defense to prosecution that:

(i) The defendant suffered from a debilitating epileptic condition or related illness and the use or possession of CBD solution was pursuant to the order of a physician as authorized under this section; or

(ii) The defendant is the parent, guardian or custodian of an individual who suffered from a debilitating epileptic condition or related illness and the use or possession of CBD solution was pursuant to the order of a physician as authorized under this section.

(b) An agency of this state or a political subdivision thereof, including any law enforcement agency, may not initiate proceedings to remove a child from the home based solely upon the possession or use of CBD solution by the child or parent, guardian or custodian of the child as authorized under this section.

(c) An employee of the state or any division, agency, institution thereof involved in the research, cultivation, processing, formulation, dispensing, prescribing or administration of CBD solution shall not be subject to prosecution for unlawful possession, use, distribution or prescription of marijuana under the laws of this state for activities arising from or related to the use of CBD solution in the treatment of individuals diagnosed with a debilitating epileptic condition.

(4) This section shall be known as "Harper Grace's Law."

(5) This section shall stand repealed from and after July 1, 2021.

SECTION 16. (1) The provisions of this act which provides authority to the Commissioner of Agriculture and Commerce and the Mississippi Department of Agriculture and Commerce to administer the provisions of the "Mississippi Hemp Cultivation Act," shall be subject to legislative appropriation or receipt of necessary funding from any private or public entity for purposes of implementation.

(2) The provisions of this act shall not have any effect upon any programs administered by Mississippi State University, which shall remain exempt, as such programs related to the educational, research or testing functions performed by Mississippi State Chemical Laboratory, shall continue to function in accordance with the mission of the university, as approved by the Board of Trustees of State Institutions of Higher Learning.

SECTION 17. Sections 1 through 11 of this act shall be codified in Chapter 25, Title 69, Mississippi Code of 1972.

SECTION 18. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2020 Regular Session

Senate Bill 2764

Description: Motor vehicles; allow registrant to indicate condition impeding effective communication for law enforcement notification.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: January 1, 2021

History of Actions:

1	02/17	(S)	Referred To Highways and Transportation; Finance
2	02/26	(S)	DR - TSDP: HI To FI
3	02/27	(S)	Title Suff Do Pass
4	03/05	(S)	Amended
5	03/05	(S)	Passed As Amended {Vote}
6	03/09	(S)	Transmitted To House
7	03/13	(H)	Referred To Transportation; Ways and Means
8	06/04	(H)	DR - TSDPAA: TR To WM
9	06/09	(H)	DR - TSDPAA: WM To TR
10	06/09	(H)	Title Suff Do Pass As Amended
11	06/16	(H)	Amended
12	06/16	(H)	Passed As Amended {Vote}
13	06/17	(H)	Returned For Concurrence
14	06/18	(S)	Decline to Concur/Invite Conf
15	06/18	(S)	Conferees Named Fillingane,Parks,Boyd
16	06/23	(H)	Conferees Named Busby,Massengill,Hudson
17	06/25	(S)	Conference Report Filed
18	06/25	(H)	Conference Report Filed
19	06/26	(S)	Conference Report Adopted {Vote}
20	06/26	(H)	Conference Report Adopted {Vote}
21	06/29	(S)	Enrolled Bill Signed
22	06/29	(H)	Enrolled Bill Signed
23	07/03		Approved by Governor

Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2764
Conference Reports:
Conference Report

----- Additional Information -----

Senate Committee: Highways and Transportation, Finance
House Committee: Transportation, Ways and Means

Principal Author: Boyd
Additional Authors: McLendon, Sparks, Whaley, Chism

Title: AN ACT TO CREATE A NEW SECTION IN TITLE 63, CHAPTER 21, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR ISSUANCE BY THE DEPARTMENT OF REVENUE, THROUGH THE COUNTY TAX COLLECTORS, OF SPECIAL DECALS TO BE PLACED ON THE LICENSE PLATES AND FRONT LEFT WINDSHIELD CORNERS OF VEHICLES OF APPLICANTS WITH HEALTH CONDITIONS OR DISABILITIES LIMITING OR IMPAIRING EFFECTIVE COMMUNICATION WITH LAW ENFORCEMENT; TO REQUIRE THAT THE INITIAL APPLICATION AND THE APPLICATION FOR RENEWAL BE ACCOMPANIED BY THE CERTIFICATION OF A MISSISSIPPI LICENSED PHYSICIAN OR PSYCHOLOGIST INDICATING THAT THE APPLICANT, OR THE APPLICANT'S CHILD, PARENT OR SPOUSE, HAS A PHYSICAL OR MENTAL HEALTH CONDITION IMPAIRING THE ABILITY TO EFFECTIVELY COMMUNICATE WITH LAW ENFORCEMENT, AND THAT THE PHYSICIAN OR PSYCHOLOGIST HAS DETERMINED THAT THE COMMUNICATION IMPAIRMENT WILL LAST FOR AT LEAST FIVE YEARS; TO PROVIDE FOR THE CONFIDENTIALITY OF THE INFORMATION SUPPLIED BY THE APPLICANT TO THE DEPARTMENT OF REVENUE OR TO THE COUNTY TAX COLLECTOR; TO CREATE A NEW SECTION IN TITLE 45, CHAPTER 6, MISSISSIPPI CODE OF 1972, TO DIRECT THE BOARD ON LAW ENFORCEMENT OFFICER STANDARDS AND TRAINING TO PROMULGATE REGULATIONS REQUIRING EDUCATION AND TRAINING COMPONENTS ON MENTAL HEALTH AND BEHAVIORAL ISSUES TO ASSIST LAW ENFORCEMENT OFFICERS IN RECOGNIZING HEALTH CONDITIONS OR DISABILITIES THAT MAY IMPEDE EFFECTIVE COMMUNICATION; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Boyd, McLendon, Sparks, Whaley, Chism

To: Highways and Transportation; Finance

SENATE BILL NO. 2764
(As Sent to Governor)

AN ACT TO CREATE A NEW SECTION IN TITLE 63, CHAPTER 21, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR ISSUANCE BY THE DEPARTMENT OF REVENUE, THROUGH THE COUNTY TAX COLLECTORS, OF SPECIAL DECALS TO BE PLACED ON THE LICENSE PLATES AND FRONT LEFT WINDSHIELD CORNERS OF VEHICLES OF APPLICANTS WITH HEALTH CONDITIONS OR DISABILITIES LIMITING OR IMPAIRING EFFECTIVE COMMUNICATION WITH LAW ENFORCEMENT; TO REQUIRE THAT THE INITIAL APPLICATION AND THE APPLICATION FOR RENEWAL BE ACCOMPANIED BY THE CERTIFICATION OF A MISSISSIPPI LICENSED PHYSICIAN OR PSYCHOLOGIST INDICATING THAT THE APPLICANT, OR THE APPLICANT'S CHILD, PARENT OR SPOUSE, HAS A PHYSICAL OR MENTAL HEALTH CONDITION IMPAIRING THE ABILITY TO EFFECTIVELY COMMUNICATE WITH LAW ENFORCEMENT, AND THAT THE PHYSICIAN OR PSYCHOLOGIST HAS DETERMINED THAT THE COMMUNICATION IMPAIRMENT WILL LAST FOR AT LEAST FIVE YEARS; TO PROVIDE FOR THE CONFIDENTIALITY OF THE INFORMATION SUPPLIED BY THE APPLICANT TO THE DEPARTMENT OF REVENUE OR TO THE COUNTY TAX COLLECTOR; TO CREATE A NEW SECTION IN TITLE 45, CHAPTER 6, MISSISSIPPI CODE OF 1972, TO DIRECT THE BOARD ON LAW ENFORCEMENT OFFICER STANDARDS AND TRAINING TO PROMULGATE REGULATIONS REQUIRING EDUCATION AND TRAINING COMPONENTS ON MENTAL HEALTH AND BEHAVIORAL ISSUES TO ASSIST LAW ENFORCEMENT OFFICERS IN RECOGNIZING HEALTH CONDITIONS OR DISABILITIES THAT MAY IMPEDE EFFECTIVE COMMUNICATION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) Upon application by any legal resident of the State of Mississippi with a health condition or disability which limits or impairs the ability to effectively communicate with law enforcement, the department shall prepare and issue through the county tax collectors a special decal that is to be placed on license plates and on front left windshield corners bearing that indication for any vehicles that are registered in the applicant's name or otherwise authorized to be applied for by the applicant.

(2) The initial application shall be accompanied by the certification of a Mississippi licensed physician or Mississippi licensed psychologist who will prescribe that (a) the applicant or the applicant's child, parent or spouse has a physical or mental health condition that will impair the ability to effectively communicate with law enforcement; and (b) the physician or psychologist has determined that the applicant or the applicant's child, parent or spouse will have the communication impairment for at least five (5) years. The department shall prepare and issue to the tax collectors of the various counties, decals for placement on license plates.

(3) A person to whom the special decal is issued may retain the special decal and may renew it on the issuance of a new license plate by submitting to the county tax collector, on or before its expiration, the certification of a Mississippi licensed physician or Mississippi licensed psychologist who will prescribe that (a) the applicant or the applicant's child, parent or spouse has a physical or mental health condition that will impair the ability to effectively communicate with law enforcement; and (b) the physician or psychologist has determined that the applicant or

the applicant's child, parent or spouse will have the communication impairment for at least five (5) years.

(4) Information supplied to the department or to the county tax collector is for confidential use and may not be disclosed to any person.

SECTION 2. The Board on Law Enforcement Officer Standards and Training shall promulgate regulations to require education and training components on mental health and behavioral issues to consist of not less than six (6) hours in the initial law enforcement officer certification program and not less than one (1) hour in any required continuing education program for law enforcement officers. The behavioral component will train officers to recognize behavioral characteristics that distinguish conditions such as autism, Asperger's syndrome, or any other mental or medical condition that may present with atypical developmental symptoms which could be perceived by an untrained person as suspicious and which could impede effective communication with a law enforcement officer.

SECTION 3. Section 1 of this act shall be codified in Title 63, Chapter 21, Mississippi Code of 1972. Section 2 of this act shall be codified in Title 45, Chapter 6, Mississippi Code of 1972.

SECTION 4. This act shall take effect and be in force from and after January 1, 2021.

Mississippi Legislature
2020 Regular Session

Senate Bill 2807

Description: Mississippi Liquor Distribution Corporation; create study committee on.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	02/17	(S)	Referred To Finance
2	02/27	(S)	Title Suff Do Pass Comm Sub
3	03/11	(S)	Committee Substitute Adopted
4	03/11	(S)	Passed {Vote}
5	03/12	(S)	Transmitted To House
6	03/25	(H)	Referred To Ways and Means
7	06/09	(H)	Title Suff Do Pass As Amended
8	06/10	(H)	Amended
9	06/10	(H)	Passed As Amended {Vote}
10	06/11	(H)	Returned For Concurrence
11	06/16	(S)	Decline to Concur/Invite Conf
12	06/23	(S)	Conferees Named Harkins,Horhn,England
13	06/18	(H)	Conferees Named Lamar,Steverson,Massengill
14	06/23	(S)	Conference Report Filed
15	06/23	(H)	Conference Report Filed
16	06/24	(S)	Conference Report Adopted {Vote}
17	06/26	(H)	Conference Report Adopted {Vote}
18	06/29	(S)	Enrolled Bill Signed
19	06/29	(H)	Enrolled Bill Signed
20	07/03		Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2807

Conference Reports:
Conference Report

----- Additional Information -----

Senate Committee: Finance

House Committee: Ways and Means

Principal Author: Harkins

Title: AN ACT TO CREATE A STUDY COMMITTEE TO INVESTIGATE THE ADVISABILITY OF THE CREATION OF A MISSISSIPPI LIQUOR DISTRIBUTION CORPORATION TO ASSUME RESPONSIBILITY FOR THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES CURRENTLY UNDER THE PURVIEW OF THE ALCOHOLIC BEVERAGE CONTROL DIVISION OF THE DEPARTMENT OF REVENUE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Harkins To: Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2807

AN ACT TO CREATE A STUDY COMMITTEE TO INVESTIGATE THE ADVISABILITY OF THE CREATION OF A MISSISSIPPI LIQUOR DISTRIBUTION CORPORATION TO ASSUME RESPONSIBILITY FOR THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES CURRENTLY UNDER THE PURVIEW OF THE ALCOHOLIC BEVERAGE CONTROL DIVISION OF THE DEPARTMENT OF REVENUE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) As used in this act, the following terms shall have the following meanings:

(a) "Corporation" means the Mississippi Liquor Distribution Corporation.

(b) "Department" means the Mississippi Department of Revenue.

(c) "Division" means the Alcoholic Beverage Control Division of the department.

(d) "Board" means the corporation's board of directors.

(2) There is created a study committee for the purpose of investigating the advisability of the creation of a Mississippi Liquor Distribution Corporation to assume responsibility for the sale and distribution of alcoholic beverages currently under the

purview of the Alcoholic Beverage Control Division of the Department of Revenue. The committee shall comprise the following thirteen (13) members:

(a) The Chairman of the Senate Finance Committee;

(b) Five (5) other members of the Senate, to be appointed by the Chairman of the Senate Finance Committee;

(c) The Chairman of the House Ways and Means Committee;

(d) Five (5) other members of the House of Representatives, to be appointed by the Chairman of the House Ways and Means Committee; and

(e) A member of the department, or a designee, as ex officio, nonvoting member.

(3) The committee shall study, at a minimum, the following questions:

(a) The advisability of creating the corporation as a wholesale distributor and seller of alcoholic beverages in the state;

(b) The nature and scope of the duties of the corporation, and the relationship of those duties to the duties retained by the division;

(c) The membership and duties of the corporation's board of directors;

(d) The authority of the board to charge fees to defray the costs of operating, maintaining, renovating or expanding facilities for the distribution of alcoholic beverages;

(e) The appointment, term of office and duties of the corporation's president;

(f) The public nature of the corporation's records, and any exceptions;

(g) The existence of information sharing agreements between the corporation and the department;

(h) The authority of the board to employ attorneys and contract with outside counsel;

(i) A requirement that the corporation maintain a personnel program with benefits for its employees, to serve at the will and pleasure of the president and not to be subject to civil service provisions or to be considered employees of the state;

(j) Prohibited conflicts of interest, provide penalties for violations, and enforcement by the State Ethics Commission;

(k) A requirement that the corporation publish quarterly and annual financial statements to be available to the public;

(l) The authority of the corporation to enter contracts and adopt procedures for procurements;

(m) Provision of funding for the corporation through a corporate operating account retained by and to the credit of the corporation, to contain monies from the sale of alcoholic beverages and other sources;

(n) Designation of officers and employees of the corporation as public servants under Section 25-4-103;

(o) A requirement that officers of the corporation file a statement of economic interest with the State Ethics Commission under Section 25-4-25;

(p) A requirement that the corporation submit quarterly and annual reports and financial statements;

(q) A requirement of an annual audit of the corporation's records by an independent auditor; and

(r) A requirement that the corporation submit its annual operating budget for the upcoming fiscal year to the Joint Legislative Budget Committee.

(4) Appointments to the study committee shall be made within thirty (30) days of the effective date of this act. At the first meeting, the committee shall elect from among its membership a chairman, a vice chairman and any other officers determined to be necessary, and shall adopt rules for transacting business and keeping records.

(5) A majority of the members of the study committee shall constitute a quorum. In the adoption of rules, resolutions and reports, and in the election of a chairman, vice chairman and any other officers determined to be necessary, an affirmative vote of a majority of the members present shall be required.

(6) The department shall provide the staff and other support necessary for the study committee to perform its duties.

(7) To effectuate the purposes of this act, any department, division, board, bureau, committee, institution or agency of the

state, or any political subdivision thereof, shall, at the request of the chairman of the study committee, provide the facilities, assistance, information and data needed to enable the study committee to carry out its duties.

(8) The study committee shall be dissolved on or before January 1, 2021.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2020 Regular Session

Senate Bill 2821

Description: Venue for actions against members of the Mississippi National Guard; brought in state military court, create Veterans Honor Program.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2020

History of Actions:

1	02/17	(S)	Referred To Veterans and Military Affairs; Judiciary, Division A
2	02/26	(S)	DR - TSDP: VM To JA
3	03/03	(S)	Title Suff Do Pass
4	03/04	(S)	Passed {Vote}
5	03/05	(S)	Transmitted To House
6	03/25	(H)	Referred To Military Affairs; Judiciary A
7	05/29	(H)	DR - TSDPAA: MA To JA
8	06/09	(H)	DR - TSDPAA: JA To MA
9	06/09	(H)	Title Suff Do Pass As Amended
10	06/16	(H)	Amended
11	06/16	(H)	Passed As Amended {Vote}
12	06/17	(H)	Returned For Concurrence
13	06/18	(S)	Decline to Concur/Invite Conf
14	06/22	(S)	Conferees Named Seymour,DeBar,Doty
15	06/26	(H)	Conferees Named Carpenter,Hopkins,Byrd
16	06/27	(S)	Conference Report Filed
17	06/27	(H)	Conference Report Filed
18	06/28	(H)	Conference Report Adopted {Vote}
19	06/29	(H)	Reconsidered
20	06/29	(H)	Recommitted For Further Conf
21	06/29	(S)	Recommitted For Further Conf
22	06/29	(S)	Conference Report Filed
23	06/29	(H)	Conference Report Filed
24	06/30	(H)	Conference Report Adopted {Vote}
25	06/30	(S)	Conference Report Adopted {Vote}
26	07/02	(S)	Enrolled Bill Signed
27	07/02	(H)	Enrolled Bill Signed

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28  07/08   Approved by Governor
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Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2821
Conference Reports:
Conference Report
Conference Report # 2

Code Section: A 093-0021-0005, A 093-0021-0007, A 093-0021-0016, A 093-0021-0021, A 027-0019-0021, A 027-0019-0023

----- Additional Information -----

Senate Committee: Veterans and Military Affairs, Judiciary, Division A
House Committee: Military Affairs, Judiciary A

Principal Author: Seymour

Title: AN ACT TO AMEND SECTIONS 93-21-5, 93-21-7, 93-21-16 AND 93-21-21, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT VENUE FOR CERTAIN ACTIONS AGAINST A MEMBER OF THE MISSISSIPPI NATIONAL GUARD SHALL BE BROUGHT IN A STATE MILITARY COURT PURSUANT TO LAW; TO CREATE A MISSISSIPPI VETERANS HONOR MEDAL PROGRAM TO HONOR, RECOGNIZE AND THANK MISSISSIPPI VETERANS FOR THEIR HONORABLE MILITARY SERVICE; TO PROVIDE THAT THE STATE VETERANS AFFAIRS BOARD MAY ADOPT ANY RULES AND REGULATIONS NECESSARY TO ADMINISTER THIS ACT; TO AMEND SECTIONS 27-19-21 AND 27-19-23, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE ADDITIONAL ANNUAL TAX IMPOSED ON ELECTRIC VEHICLES AND HYBRID VEHICLES SHALL NOT BE IMPOSED ON SUCH VEHICLES THAT ARE OWNED BY CERTAIN DISABLED VETERANS AND SPOUSES OF CERTAIN DECEASED DISABLED VETERANS AND ARE EXEMPT FROM AD VALOREM TAXATION; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Seymour

To: Veterans and Military Affairs; Judiciary, Division A

SENATE BILL NO. 2821
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 93-21-5, 93-21-7, 93-21-16 AND 93-21-21, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT VENUE FOR CERTAIN ACTIONS AGAINST A MEMBER OF THE MISSISSIPPI NATIONAL GUARD SHALL BE BROUGHT IN A STATE MILITARY COURT PURSUANT TO LAW; TO CREATE A MISSISSIPPI VETERANS HONOR MEDAL PROGRAM TO HONOR, RECOGNIZE AND THANK MISSISSIPPI VETERANS FOR THEIR HONORABLE MILITARY SERVICE; TO PROVIDE THAT THE STATE VETERANS AFFAIRS BOARD MAY ADOPT ANY RULES AND REGULATIONS NECESSARY TO ADMINISTER THIS ACT; TO AMEND SECTIONS 27-19-21 AND 27-19-23, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE ADDITIONAL ANNUAL TAX IMPOSED ON ELECTRIC VEHICLES AND HYBRID VEHICLES SHALL NOT BE IMPOSED ON SUCH VEHICLES THAT ARE OWNED BY CERTAIN DISABLED VETERANS AND SPOUSES OF CERTAIN DECEASED DISABLED VETERANS AND ARE EXEMPT FROM AD VALOREM TAXATION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 93-21-5, Mississippi Code of 1972, is amended as follows:

93-21-5. (1) The municipal, justice, county or chancery court, or a state military court as defined in Section 33-13-151, shall have jurisdiction over proceedings under this chapter as provided in this chapter. The petitioner's right to relief under this chapter shall not be affected by his leaving the residence or household to avoid further abuse.

(2) Venue shall be proper in any county or municipality where the respondent resides or in any county or municipality where the alleged abusive act or acts occurred. Any action that originates in state military court as defined in Section 33-13-151 alleged against a member of the Mississippi National Guard and brought in a state military court proceeding as defined in Section 33-13-151 shall be the sole province of the Mississippi National Guard, and venue shall only be proper for such action before a state military court as defined in Section 33-13-151, and shall be subject to all the applicable laws, procedures, rules and/or regulations as set forth in Title 33. The provisions of this subsection shall not prohibit any person from bringing the same or similar action in municipal, justice, county or chancery court.

(3) If a petition for an order for protection from domestic abuse is filed in a court lacking proper venue, the court, upon objection of the respondent, shall transfer the action to the appropriate venue pursuant to other applicable law.

(4) A record shall be made of any proceeding in justice or municipal court that involves domestic abuse.

SECTION 2. Section 93-21-7, Mississippi Code of 1972, is amended as follows:

93-21-7. (1) Any person may seek a domestic abuse protection order for himself by filing a petition alleging abuse by the respondent. Any parent, adult household member, or next friend of the abused person may seek a domestic abuse protection order on behalf of any minor children or any person alleged to be incompetent by filing a petition with the court alleging abuse by the respondent. Cases seeking relief under this chapter shall be priority cases on the court's docket and the judge shall be immediately notified when a case is filed in order to provide for expedited proceedings.

(2) A petition seeking a domestic abuse protection order may be filed in any of the following courts: municipal, justice, county or chancery, or a state military court as defined in Section 33-13-151. A chancery court shall not prohibit the filing of a petition which does not seek emergency relief on the basis that the petitioner did not first seek or obtain temporary relief in another court. A petition requesting emergency relief pending a hearing shall not be filed in chancery court unless specifically permitted by the chancellor under the circumstances or as a separate pleading in an ongoing chancery action between the parties. Nothing in this section shall:

(a) Be construed to require consideration of emergency relief by a chancery court; or

(b) Preclude a chancery court from entering an order of emergency relief.

(3) The petitioner in any action brought pursuant to this chapter shall not bear the costs associated with its filing or the costs associated with the issuance or service of any notice of a hearing to the respondent, issuance or service of an order of

protection on the respondent, or issuance or service of a warrant or witness subpoena. If the court finds that the petitioner is entitled to an order protecting the petitioner from abuse, the court shall be authorized to assess all costs including attorney's fees of the proceedings to the respondent. The court may assess costs including attorney's fees to the petitioner only if the allegations of abuse are determined to be without merit and the court finds that the petitioner is not a victim of abuse as defined by Section 93-21-3.

SECTION 3. Section 93-21-16, Mississippi Code of 1972, is amended as follows:

93-21-16. (1) A protective order from another jurisdiction issued to protect the applicant from abuse as defined in Section 93-21-3, or a protection order as defined in Section 93-22-3, issued by a tribunal of another state, or a similar order by a state military court as defined in Section 33-13-151, shall be accorded full faith and credit by the courts of this state and enforced in this state as provided for in the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.

(2) For purposes of enforcement by Mississippi law enforcement officers, a protective order from another jurisdiction, or a protection order as defined in Section 93-22-3 and issued by a tribunal of another state, is presumed to be valid if it meets the requirements of Section 93-22-7.

(3) For purposes of judicial enforcement of a protective order issued in another jurisdiction, or a protection order as defined in Section 93-22-3 and issued by a tribunal of another state, an order is presumed valid if it meets the requirements of Section 93-22-5(4). It is an affirmative defense in any action seeking enforcement of a protective order issued in another jurisdiction, or a protection order as defined in Section 93-22-3 and issued by a tribunal of another state, that any criteria for the validity of the order is absent.

SECTION 4. Section 93-21-21, Mississippi Code of 1972, is amended as follows:

93-21-21. (1) Upon a knowing violation of (a) a protection order or court-approved consent agreement issued pursuant to this chapter, (b) a similar order issued by a foreign court of competent jurisdiction for the purpose of protecting a person from domestic abuse, or a similar order by a state military court as defined in Section 33-13-151, or (c) a bond condition imposed pursuant to Section 99-5-37, the person violating the order or condition commits a misdemeanor punishable by imprisonment in the county jail for not more than six (6) months or a fine of not more than One Thousand Dollars ($1,000.00), or both.

(2) Alternatively, upon a knowing violation of a protection order or court-approved consent agreement issued pursuant to this chapter or a bond condition issued pursuant to Section 99-5-37, the issuing court may hold the person violating the order or bond

condition in contempt, the contempt to be punishable as otherwise provided by applicable law. A person shall not be both convicted of a misdemeanor and held in contempt for the same violation of an order or bond condition.

(3) When investigating allegations of a violation under subsection (1) of this section, law enforcement officers shall utilize the uniform offense report prescribed for this purpose by the Office of the Attorney General in consultation with the sheriff's and police chief's associations. However, failure of law enforcement to utilize the uniform offense report shall not be a defense to a crime charged under subsection (1) of this section.

(4) In any conviction for a violation of a domestic abuse protection order as described in subsection (1) of this section, the court shall enter the disposition of the matter into the corresponding uniform offense report.

(5) Nothing in this section shall be construed to interfere with the court's authority, if any, to address bond condition violations in a more restrictive manner.

SECTION 5. There is hereby created a Mississippi Veterans Honor Medal Program to be administered by the State Veterans Affairs Board to honor, recognize and thank Mississippi veterans for their honorable military service. The Mississippi Veterans Honor Medal shall be available for Mississippi veterans who were honorably discharged. The State Veterans Affairs Board shall determine as expeditiously as possible the specific eligibility requirements for the medal. Applications for the medal shall be filed with the State Veterans Affairs Board on forms prescribed and furnished by the board. The program shall be revenue neutral with all costs to be paid by the sale of the medals at a price to be determined by the board. The State Veterans Affairs Board may adopt any rules and regulations necessary to administer the provisions of this act.

SECTION 6. Section 27-19-21, Mississippi Code of 1972, is amended as follows:

27-19-21. (1) For the purposes of this section, the term "electric vehicle" means a vehicle that is powered solely by an electric motor drawing current from rechargeable batteries, fuel cells, or other portable sources of electrical current, is manufactured primarily for use on public streets, roads and highways, and is required to have a license tag under Section 27-19-1 et seq., for operation on public streets, roads and highways.

(2) (a) Subject to the provisions of this section, there is imposed an annual tax on each electric vehicle, which shall be in addition to any other taxes for which the vehicle is liable. The tax shall be paid to the county tax collector at the same time and in the same manner as the annual highway privilege tax is paid. The amount of the tax shall be One Hundred Fifty Dollars ($150.00). The tax shall not be imposed on an electric vehicle

that is exempt from ad valorem taxation under Sections 27-19-53 and 27-51-41(2)(j).

(b) Beginning July 1, 2021, and each succeeding July 1 thereafter, the rate of the tax imposed under this section and in effect at the end of the preceding state fiscal year shall be adjusted by increasing the tax by a percentage amount equal to the United States inflation rate for the previous calendar year ending on December 31 as certified by the Department of Finance and Administration. The United States inflation rate for a calendar year shall be the Consumer Price Index for the calendar year for urban consumers as calculated by the Bureau of Labor Statistics of the United States Department of Labor. In adjusting the amount of the tax, amounts equal to or greater than Fifty Cents (50¢) shall be rounded to the next highest whole dollar.

(3) The tax collector shall have a special designation for electric vehicles in the vehicle records of the tax collector's office so that the owners of electric vehicles will be provided with the proper forms for paying the tax imposed by this section.

(4) The tax collector shall remit the proceeds of the tax collected under this section to the Department of Revenue, and the department shall apportion the proceeds of the tax among the various purposes specified in Section 27-5-101 for gasoline and diesel fuel taxes in the same proportion that those taxes were apportioned for those purposes during the previous state fiscal

year and such funds shall be used solely for the repair and maintenance of roads, streets and bridges.

(5) The Department of Revenue shall have all of the power and authority that it has for enforcement of the motor vehicle privilege tax laws (Section 27-19-1 et seq.) to enforce the provisions of this section. The Commissioner of Revenue may adopt any rules or regulations that he deems necessary for the proper administration of this section.

SECTION 7. Section 27-19-23, Mississippi Code of 1972, is amended as follows:

27-19-23. (1) For the purposes of this section, the term "hybrid vehicle" means a vehicle that utilizes more than one (1) form of onboard energy to achieve propulsion, is manufactured primarily for use on public streets, roads and highways, and is required to have a license tag under Section 27-19-1 et seq., for operation on public streets, roads and highways.

(2) (a) Subject to the provisions of this section, there is imposed an annual tax on each hybrid vehicle, which shall be in addition to any other taxes for which the vehicle is liable. The tax shall be paid to the county tax collector at the same time and in the same manner as the annual highway privilege tax is paid. The amount of the tax shall be Seventy-five Dollars ($75.00). The tax shall not be imposed on a hybrid vehicle that is exempt from ad valorem taxation under Sections 27-19-53 and 27-51-41(2)(j).

(b) Beginning July 1, 2021, and each succeeding July 1 thereafter, the rate of the tax imposed under this section and in effect at the end of the preceding state fiscal year shall be adjusted by increasing the tax by a percentage amount equal to the United States inflation rate for the previous calendar year ending on December 31 as certified by the Department of Finance and Administration. The United States inflation rate for a calendar year shall be the Consumer Price Index for the calendar year for urban consumers as calculated by the Bureau of Labor Statistics of the United States Department of Labor. In adjusting the amount of the tax, amounts equal to or greater than Fifty Cents (50¢) shall be rounded to the next highest whole dollar.

(3) The tax collector shall have a special designation for hybrid vehicles in the vehicle records of the tax collector's office so that the owners of hybrid vehicles will be provided with the proper forms for paying the tax imposed by this section.

(4) The tax collector shall remit the proceeds of the tax collected under this section to the Department of Revenue, and the department shall apportion the proceeds of the tax among the various purposes specified in Section 27-5-101 for gasoline and diesel fuel taxes in the same proportion that those taxes were apportioned for those purposes during the previous state fiscal year and such funds shall be used solely for the repair and maintenance of roads, streets and bridges.

(5) The Department of Revenue shall have all of the power and authority that it has for enforcement of the motor vehicle privilege tax laws (Section 27-19-1 et seq.) to enforce the provisions of this section. The Commissioner of Revenue may adopt any rules or regulations that he deems necessary for the proper administration of this section.

SECTION 8. This act shall take effect and be in force from and after July 1, 2020.

Mississippi Legislature
2020 Regular Session

Senate Bill 2847

Description: Tourism Project Incentive Program; extend deadline on MDA's authority to approve participants.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2020

History of Actions:

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  1  02/17   (S) Referred To Finance
  2  03/03   (S) Title Suff Do Pass
  3  03/12   (S) Amended
  4  03/12   (S) Passed As Amended {Vote}
  5  03/16   (S) Transmitted To House
  6  03/25   (H) Referred To Ways and Means
  7  06/09   (H) Title Suff Do Pass As Amended
  8  06/10   (H) Amended
  9  06/10   (H) Passed As Amended {Vote}
 10  06/11   (H) Returned For Concurrence
 11  06/16   (S) Decline to Concur/Invite Conf
 12  06/22   (S) Conferees Named Harkins,Doty,Kirby
 13  06/23   (H) Conferees Named
                 Lamar,Steverson,Massengill
 14  06/25   (S) Conference Report Filed
 15  06/25   (H) Conference Report Filed
 16  06/26   (S) Conference Report Adopted {Vote}
 17  06/26   (H) Conference Report Adopted {Vote}
 18  06/29   (S) Enrolled Bill Signed
 19  06/29   (H) Enrolled Bill Signed
 20  07/03   Approved by Governor
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Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2847

Conference Reports:
| Conference Report

Code Section: A 057-0026-0001, A 057-0026-0005

----- Additional Information -----

Senate Committee: Finance
House Committee: Ways and Means

Principal Author: Harkins
Additional Authors: Horhn, Simmons (13th)

Title: AN ACT TO AMEND SECTION 57-26-1, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "TOURISM PROJECT" FOR PURPOSES OF THE TOURISM PROJECT SALES TAX INCENTIVE PROGRAM; TO AMEND SECTION 57-26-5, MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL JULY 1, 2023, THE AUTHORITY OF THE MISSISSIPPI DEVELOPMENT AUTHORITY TO ISSUE CERTIFICATES DESIGNATING AN ENTITY AS AN APPROVED PARTICIPANT AND AUTHORIZING THE APPROVED PARTICIPANT TO PARTICIPATE IN THE TOURISM PROJECT SALES TAX INCENTIVE PROGRAM; TO SPECIFY THAT, FOR TOURISM PROJECTS THAT ARE CULTURAL RETAIL ATTRACTIONS, NO ISSUED CERTIFICATES APPROVING PARTICIPANTS SHALL BE ALTERED OR EXTENDED AFTER THE DATE LAST APPROVED AS OF THE EFFECTIVE DATE OF THIS ACT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Harkins, Horhn, Simmons (13th)

To: Finance

SENATE BILL NO. 2847
(As Sent to Governor)

AN ACT TO AMEND SECTION 57-26-1, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "TOURISM PROJECT" FOR PURPOSES OF THE TOURISM PROJECT SALES TAX INCENTIVE PROGRAM; TO AMEND SECTION 57-26-5, MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL JULY 1, 2023, THE AUTHORITY OF THE MISSISSIPPI DEVELOPMENT AUTHORITY TO ISSUE CERTIFICATES DESIGNATING AN ENTITY AS AN APPROVED PARTICIPANT AND AUTHORIZING THE APPROVED PARTICIPANT TO PARTICIPATE IN THE TOURISM PROJECT SALES TAX INCENTIVE PROGRAM; TO SPECIFY THAT, FOR TOURISM PROJECTS THAT ARE CULTURAL RETAIL ATTRACTIONS, NO ISSUED CERTIFICATES APPROVING PARTICIPANTS SHALL BE ALTERED OR EXTENDED AFTER THE DATE LAST APPROVED AS OF THE EFFECTIVE DATE OF THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 57-26-1, Mississippi Code of 1972, is amended as follows:

57-26-1. As used in Sections 57-26-1 through 57-26-5, the following terms and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Approved project costs" means actual costs incurred by an approved participant for land acquisition, construction, engineering, design and other costs approved by the Mississippi Development Authority relating to a tourism project; however, for the purposes of a tourism project described in paragraph (d)(iv) of this section, such costs include only those incurred after January 1, 2011, relating to the hotel portion of the project consisting of facilities used for lodging and common areas in that portion of the project. All costs must be verified by an independent third party approved by the MDA. An approved participant shall pay the costs for the third-party verification of costs. Approved project costs may not increase regardless of the actual costs incurred by the project.

(b) "Approved participant" means a person, corporation or other entity issued a certificate by the Mississippi Development Authority under Section 57-26-5.

(c) "MDA" means the Mississippi Development Authority.

(d) "Tourism project" shall include any of the following as may be approved by the MDA:

(i) Theme parks, water parks, entertainment parks or outdoor adventure parks, cultural or historical interpretive educational centers or museums, motor speedways, indoor or outdoor entertainment centers or complexes, convention centers, professional sports facilities, spas, attractions created around a natural phenomenon or scenic landscape and marinas open to the public with a minimum private investment of not less than Ten Million Dollars ($10,000,000.00);

(ii) A hotel with a minimum private investment of Forty Million Dollars ($40,000,000.00) in land, buildings, architecture, engineering, fixtures, equipment, furnishings, amenities and other related soft costs approved by the Mississippi Development Authority, and having a minimum private investment of One Hundred Fifty Thousand Dollars ($150,000.00) per guest room which amount shall be included within the minimum private investment of Forty Million Dollars ($40,000,000.00);

(iii) A public golf course with a minimum private investment of Ten Million Dollars ($10,000,000.00);

(iv) A full service hotel with a minimum private investment of Fifteen Million Dollars ($15,000,000.00) in land, buildings, architecture, engineering, fixtures, equipment, furnishings, amenities and other related soft costs approved by the Mississippi Development Authority, and having a minimum private investment of Two Hundred Thousand Dollars ($200,000.00) per guest room or suite which amount shall be included within the minimum private investment of Fifteen Million Dollars ($15,000,000.00), a minimum of twenty-five (25) guest rooms or suites, and guest amenities such as restaurants, spas and other amenities as determined by the Mississippi Development Authority; however, in a county in which the Grammy Museum Mississippi or the Mississippi Arts and Entertainment Center is located, in a county in which the Saenger Theater and the main campus of a state institution of higher learning are located, and in the downtown historic district of the city in which the NWCC Performing Arts Center is located, the minimum private investment per guest room or suite shall be One Hundred Fifty Thousand Dollars ($150,000.00) which amount shall be included within the minimum private investment of Fifteen Million Dollars ($15,000,000.00);

(v) A tourism attraction located within an "entertainment district" as defined in Section 17-29-3 that is open to the public, has seating to accommodate at least forty (40) persons, is open at least five (5) days per week from at least 6:00 p.m. until midnight, serves food and beverages, and provides live entertainment at least three (3) nights per week;

(vi) A cultural retail attraction;

(vii) A tourism attraction located within a historic district where the district is listed in the National Register of Historic Places, where the tourism attraction is open to the public, has seating to accommodate at least forty (40) persons, is open at least five (5) days per week from at least 6:00 p.m. until midnight, serves food and beverages, and provides live entertainment at least three (3) nights per week * * *;

(viii) A tourism attraction, located in a county bordered by the Mississippi River and including Interstate 69 and U.S. Highways 3, 4 and 61, with a minimum investment of One Hundred Million Dollars ($100,000,000.00) and subject to an urban renewal plan that redevelops two (2) hotels, a golf course and clubhouse, a shooting range and a convention center and develops an entertainment center and waterpark, together with other attraction-related amenities, on an area not less than two thousand (2,000) acres.

The term "tourism project" does not include any licensed gaming establishment owned, leased or controlled by a business, corporation or entity having a gaming license issued under Section 75-76-1 et seq.; however, the term "tourism project" may include a project described in this paragraph (d) that is owned, leased or controlled by such a business, corporation or entity or in which the business, corporation or entity has a direct or indirect financial interest if the project is in excess of development that the State Gaming Commission requires for the issuance or renewal of a gaming license and is not part of a licensed gaming establishment in which gaming activities are conducted.

The term "tourism project" does not include any facility within the project whose primary business is retail sales or any expansions of existing projects; however, pro shops, souvenir shops, gift shops, concessions and similar retail activities, and cultural retail attractions may be included within the definition of the term "tourism project." In addition, retail activities, regardless of whether the primary business is retail sales, that are part of a resort development may be included within the definition of "tourism project."

(e) "Resort development" means a travel destination development with a minimum private investment of One Hundred Million Dollars ($100,000,000.00) and which consists of (i) a hotel with a minimum of two hundred (200) guest rooms or suites and having a minimum private investment of Two Hundred Thousand

Dollars ($200,000.00) per guest room or suite, and (ii) guest amenities such as restaurants, golf courses, spas, fitness facilities, entertainment activities and other amenities as determined by the MDA. Not more than an amount equal to forty percent (40%) of the private investment required by this paragraph may be expended on facilities to house retail activity.

(f) "Cultural retail attraction" means a project which combines destination shopping with cultural or historical interpretive elements specific to Mississippi with a minimum private investment of Fifty Million Dollars ($50,000,000.00) in land, buildings, architecture, engineering, fixtures, equipment, furnishings, amenities and other related soft costs approved by the Mississippi Development Authority and which:

(i) Is located in a qualified resort area as defined in Section 67-1-5;

(ii) Is a part of a master-planned development with a total investment of not less than One Hundred Million Dollars ($100,000,000.00) in land, buildings, architecture, engineering, fixtures, equipment, furnishings, amenities and other related soft costs approved by the Mississippi Development Authority;

(iii) Has a minimum of fifty (50) retail tenants with a minimum of three hundred thousand (300,000) square feet of heated and cooled space; and

(iv) Has a minimum investment of One Million Dollars ($1,000,000.00) in one or more of the following:

1. Art created by Mississippi artists or portraying themes specific to Mississippi;

2. Memorabilia, signage or historical markers which serve to promote the State of Mississippi;

3. Audio/visual equipment used to showcase Mississippi artists;

4. A minimum of one thousand two hundred *** * *** fifty (1,250) square feet of heated and cooled space available to the Mississippi Development Authority or its assignee for a period of not less than ten (10) years.

(g) "Retail activity" means businesses whose inventory consists primarily of upscale name brands or their equivalent as determined by the MDA.

(h) "State" means the State of Mississippi.

SECTION 2. Section 57-26-5, Mississippi Code of 1972, is amended as follows:

57-26-5. (1) The MDA shall develop, implement and administer the incentive program authorized in Sections 57-26-1 through 57-26-5 and shall promulgate rules and regulations necessary for the development, implementation and administration of such program.

(2) A person, corporation or other entity desiring to participate in the incentive program authorized in Sections

57-26-1 through 57-26-5 must submit an application and an application fee in the amount of Five Thousand Dollars ($5,000.00) to the MDA. Such application must contain (a) plans for the proposed tourism project; (b) a detailed description of the proposed tourism project; (c) the method of financing the proposed tourism project and the terms of such financing; (d) an independent study that identifies the number of out-of-state visitors anticipated to visit the project and the ratio of out-of-state visitors to in-state visitors; and (e) any other information required by the MDA. The Executive Director of the MDA shall review the application and determine if it qualifies as a tourism project under this section and under the rules and regulations promulgated pursuant to this section. If the executive director determines the proposed tourism project qualifies as a tourism project under this section and under the rules and regulations promulgated pursuant to this section, he shall issue a certificate to the person, corporation or other entity designating such person, corporation or other entity as an approved participant and authorizing the approved participant to participate in the incentive program provided for in Sections 57-26-1 through 57-26-5. No certificate designating an entity as an approved participant and authorizing the approved participant to participate in the incentive program shall be issued from and after July 1, 2014, for tourism projects that are cultural retail attractions, or from and after July 1, * * * 2023, for other tourism projects. For tourism projects that are cultural retail attractions, no such issued certificate shall be altered or extended after the date last approved as of the effective date of this act.

(3) The MDA shall cause a cost benefit analysis of the tourism project to be performed by a state institution of higher learning, the university research center or some other entity approved by the MDA.

SECTION 3. This act shall take effect and be in force from and after July 1, 2020.

Mississippi Legislature
2020 Regular Session

Senate Bill 2851

Description: Uniform Probate and Trust codes; enact portions.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2020

History of Actions:

1	02/17	(S)	Referred To Judiciary, Division A
2	02/27	(S)	Title Suff Do Pass Comm Sub
3	03/11	(S)	Committee Substitute Adopted
4	03/11	(S)	Passed {Vote}
5	03/12	(S)	Transmitted To House
6	03/17	(H)	Referred To Judiciary A
7	06/09	(H)	Title Suff Do Pass
8	06/16	(H)	Passed {Vote}
9	06/17	(H)	Returned For Enrolling
10	06/23	(S)	Enrolled Bill Signed
11	06/23	(H)	Enrolled Bill Signed
12	06/29		Approved by Governor

Code Section: A 091-0008-0105, RP 027-0010-0001, RP 027-0010-0003, RP 027-0010-0005, RP 027-0010-0007, RP 027-0010-0009, RP 027-0010-0011, RP 027-0010-0013, RP 027-0010-0015, RP 027-0010-0017, RP 027-0010-0019, RP 027-0010-0021, RP 027-0010-0023, RP 027-0010-0025, RP 089-0021-0001, RP 089-0021-0003, RP 089-0021-0005, RP 089-0021-0007, RP 089-0021-0009, RP 089-0021-0011, RP 089-0021-0013, RP 089-0021-0015, RP 089-0021-0017, RP 091-0009-0501, RP 091-0009-0503, RP 091-0009-0505, RP 091-0009-0507, RP 091-0009-0509, RP 091-0009-0511, RP 091-0007-0259

----- Additional Information -----

Senate Committee: Judiciary, Division A
House Committee: Judiciary A

Principal Author: Doty
Additional Authors: Jackson (11th)

Title: AN ACT TO REVISE MISSISSIPPI LAW GOVERNING TRUSTS AND ESTATES; TO CREATE THE MISSISSIPPI REAL PROPERTY TRANSFER-ON-

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MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Doty, Jackson (11th) To: Judiciary, Division A

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2851

AN ACT TO REVISE MISSISSIPPI LAW GOVERNING TRUSTS AND ESTATES; TO CREATE THE MISSISSIPPI REAL PROPERTY TRANSFER-ON-DEATH ACT; TO CREATE NEW SECTION 91-27-1, MISSISSIPPI CODE OF 1972, TO CREATE A SHORT TITLE; TO CREATE NEW SECTION 91-27-3, MISSISSIPPI CODE OF 1972, TO ENACT DEFINITIONS; TO CREATE NEW SECTIONS 91-27-5 AND 91-27-7, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR APPLICABILITY AND NONEXCLUSIVITY; TO CREATE NEW SECTIONS 91-27-9, 91-27-11 AND 91-27-13, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A TRANSFER-ON-DEATH DEED THAT IS BOTH REVOCABLE AND NONTESTAMENTARY; TO CREATE NEW SECTION 91-27-15, MISSISSIPPI CODE OF 1972, TO REQUIRE CAPACITY ON THE PART OF THE TRANSFEROR; TO CREATE NEW SECTION 91-27-17, MISSISSIPPI CODE OF 1972, TO SET OTHER REQUIREMENTS; TO CREATE NEW SECTION 91-27-19, MISSISSIPPI CODE OF 1972, TO ALLOW WAIVER OF NOTICE, DELIVERY, ACCEPTANCE AND CONSIDERATION; TO CREATE NEW SECTION 91-27-21, MISSISSIPPI CODE OF 1972, TO SET LIMITS ON REVOCATION; TO CREATE NEW SECTION 91-27-23, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE EFFECT OF A TRANSFER-ON-DEATH DEED DURING A TRANSFEROR'S LIFE; TO CREATE NEW SECTION 91-27-25, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE EFFECT OF SUBSEQUENT CONVEYANCE; TO CREATE NEW SECTION 91-27-27, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE EFFECT AT TRANSFEROR'S DEATH; TO CREATE NEW SECTION 91-27-29, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE EFFECT OF LIENS, ENCUMBRANCES AND CREDITORS' CLAIMS; TO CREATE NEW SECTION 91-27-31, MISSISSIPPI CODE OF 1972, TO AUTHORIZE DISCLAIMER; TO CREATE NEW SECTION 91-27-33 AND 91-27-35, MISSISSIPPI CODE OF 1972, TO PROVIDE OPTIONAL FORMS; TO CREATE NEW SECTION 91-27-37, MISSISSIPPI CODE OF 1972, TO SPECIFY THE ACT'S RELATION TO ELECTRONIC SIGNATURES UNDER THE GLOBAL AND NATIONAL COMMERCE ACT; TO CREATE NEW SECTION 91-29-1, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR REVOCATION OF CERTAIN INSTRUMENTS EXECUTED BEFORE DIVORCE; TO CREATE NEW SECTION 91-29-3, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR TREATMENT OF A DECEDENT'S FORMER SPOUSE; TO CREATE NEW SECTION 91-29-5, MISSISSIPPI CODE OF 1972, TO ENACT DEFINITIONS; TO CREATE NEW

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following shall be codified as Section 91-27-1, Mississippi Code of 1972:

91-27-1. **Short title.** Sections 1 through 19 of this act may be cited as the Mississippi Real Property Transfer-On-Death Act.

SECTION 2. The following shall be codified as Section 91-27-3, Mississippi Code of 1972:

97-27-3. **Definitions.** (a) "Beneficiary" means a person who receives real property under a transfer-on-death deed.

(b) "Designated beneficiary" means a person designated to receive real property in a transfer-on-death deed.

(c) "Joint owner with right of survivorship" or "joint owner" means an individual who owns real property concurrently with one or more other individuals with a right of survivorship. The term includes a joint tenant and a tenant by the entirety. The term does not include a tenant in common.

(d) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(e) "Real property" means an interest in real property located in this state.

(f) "Transfer-on-death deed" means a deed authorized under this chapter and does not refer to any other deed that transfers an interest in real property on the death of an individual.

(g) "Transferor" means an individual who makes a transfer-on-death deed.

(h) In this chapter, the terms "cancel" and "revoke" are synonymous.

SECTION 3. The following shall be codified as Section 91-27-5, Mississippi Code of 1972:

97-27-5. **Applicability.** This chapter applies to a transfer-on-death deed executed and acknowledged on or after the effective date of this act, by a transferor who dies on or after the effective date of this act.

SECTION 4. The following shall be codified as Section 91-27-7, Mississippi Code of 1972:

97-27-7. **Nonexclusivity.** This chapter does not affect any method of transferring real property otherwise permitted under the laws of this state.

SECTION 5. The following shall be codified as Section 91-27-9, Mississippi Code of 1972:

97-27-9. **Transfer-on-death deed authorized.** An individual may transfer the individual's interest in real property to one or more beneficiaries effective at the transferor's death by a transfer-on-death deed.

SECTION 6. The following shall be codified as Section 91-27-11, Mississippi Code of 1972:

97-27-11. **Transfer-on-death deed revocable.** A transfer-on-death deed must be executed as set forth in Title 89, Chapter 3, Mississippi Code or 1972, relating to necessary acknowledgements, and need not be executed with the formalities of a will.

SECTION 7. The following shall be codified as Section 91-27-13, Mississippi Code of 1972:

91-27-13. **Transfer-on-death deed nontestamentary.** A transfer-on-death deed is a nontestamentary instrument.

SECTION 8. The following shall be codified as Section 91-27-15, Mississippi Code of 1972:

91-27-15. **Capacity of transferor.** (a) The capacity required to make or revoke a transfer-on-death deed is the same as the capacity required to make a contract.

(b) A transfer-on-death deed may not be created through use of a power of attorney unless the transfer of real property through a transfer-on-death deed is specifically authorized in the power of attorney.

SECTION 9. The following shall be codified as Section 91-27-17, Mississippi Code of 1972:

91-27-17. **Requirements.** To be effective, a transfer-on-death deed must:

(1) Except as otherwise provided in subsection (2), contain the essential elements and formalities of a recordable deed;

(2) State that the transfer of an interest in real property to the designated beneficiary is to occur at the transferor's death;

(3) Be recorded before the transferor's death in the deed records in the official records of the chancery clerk of the county where the real property is located.

SECTION 10. The following shall be codified as Section 91-27-19, Mississippi Code of 1972:

91-27-19. **Notice, delivery, acceptance, consideration not required.** A transfer-on-death deed is effective without:

(1) Notice or delivery to or acceptance by the designated beneficiary during the transferor's life; or

(2) Consideration.

SECTION 11. The following shall be codified as Section 91-27-21, Mississippi Code of 1972:

91-27-21. **Revocation by instrument authorized; revocation by act not permitted.** (a) Subject to subsections (d) and (e), an instrument is effective to revoke a recorded transfer-on-death deed, or any part of it, if the instrument:

(1) Is one (1) of the following:

(A) A subsequent transfer-on-death deed that revokes the preceding transfer-on-death deed or part of the deed expressly or by inconsistency; or

(B) Except as provided by subsection (b), an instrument of revocation that expressly revokes the transfer-on-death deed or part of the deed;

(2) Is acknowledged by the transferor after the acknowledgment of the deed being revoked; and

(3) Is recorded before the transferor's death in the official records of the chancery clerk of the county where the deed being revoked is recorded.

(b) A will does not revoke or supersede a transfer-on-death deed.

(c) If a marriage between the transferor and a designated beneficiary is dissolved after a transfer-on-death deed is recorded, a final judgment of the court dissolving the marriage operates to revoke the transfer-on-death deed as to that designated beneficiary.

(d) If a transfer-on-death deed is made by more than one (1) transferor, revocation by a transferor does not affect the deed as to the interest of another transferor who does not make that revocation.

(e) A transfer-on-death deed made by joint owners with right of survivorship is revoked only if it is revoked by all of the living joint owners.

(f) This section does not limit the effect of an inter vivos transfer of the real property.

SECTION 12. The following shall be codified as Section 91-27-23, Mississippi Code of 1972:

91-27-23. **Effect of transfer-on-death deed during transferor's life.** During a transferor's life, a transfer-on-death deed does not:

(1) Affect an interest or right of the transferor or any other owner, including:

(A) The right to transfer or encumber the real property that is the subject of the deed;

(B) Homestead rights in the real property, if applicable; and

(C) Ad valorem tax exemptions, including exemptions for residence homestead, persons sixty-five (65) years of age or older, persons with disabilities, and veterans;

(2) Affect an interest or right of a transferee of the real property that is the subject of the deed, even if the transferee has actual or constructive notice of the deed;

(3) Affect an interest or right of a secured or unsecured creditor or future creditor of the transferor, even if the creditor has actual or constructive notice of the deed;

(4) Affect the transferor's or designated beneficiary's eligibility for any form of public assistance, subject to applicable federal law;

(5) Constitute a transfer triggering a "due-on-sale" or similar clause;

(6) Invoke statutory real estate notice or disclosure requirements;

(7) Create a legal or equitable interest in favor of the designated beneficiary; or

(8) Subject the real property to claims or process of a creditor of the designated beneficiary.

SECTION 13. The following shall be codified as Section 91-27-25, Mississippi Code of 1972:

91-27-25. **Effect of subsequent conveyance on transfer-on-death deed.** An otherwise valid transfer-on-death deed is void as to any interest in real property that is conveyed by the transferor during the transferor's lifetime after the transfer-on-death deed is executed and recorded if:

(1) A valid instrument conveying the interest is recorded in the official records of the chancery clerk of the same county in which the transfer-on-death deed is recorded; and

(2) The recording of the instrument occurs before the transferor's death.

SECTION 14. The following shall be codified as Section 91-27-27, Mississippi Code of 1972:

91-27-27. **Effect of transfer-on-death deed at transferor's death.** On the death of the transferor, the following rules apply to an interest in real property that is the subject of a transfer-on-death deed and owned by the transferor at death except as otherwise provided: in the transfer-on-death deed; in this Title 91, Chapter 27, Mississippi Code of 1972; in Title 91, Chapter 29, Mississippi Code of 1972, relating to revocation by divorce; in Section 91-1-25 relating to the prohibition on inheriting from a person whom one has killed; in Title 91, Chapter

3, Mississippi Code of 1972, the Mississippi Uniform Simultaneous Death Act; and in Section 91-5-25 relating to the spousal right to renounce a will:

(1) If a transferor is a joint owner with right of survivorship who is survived by one or more other joint owners, the real property that is the subject of the transfer-on-death deed belongs to the surviving joint owner or owners. If a transferor is a joint owner with right of survivorship who is the last-surviving joint owner, the transfer-on-death deed is effective.

(2) The last-surviving joint owner may revoke the transfer-on-death deed subject to Section 91-27-19.

(3) A transfer-on-death deed transfers real property without covenant or warranty of title even if the deed contains a contrary provision.

(4) The interest in the property is transferred to a designated beneficiary in accordance with the deed, but the interest of a designated beneficiary is contingent on the designated beneficiary surviving the transferor. The interest of a designated beneficiary that fails to survive the transferor lapses.

(5) Concurrent interests are transferred to the beneficiaries in equal and undivided shares with no right of survivorship, but if the transferor has identified two (2) or more designated beneficiaries to receive concurrent interests in the

property, the share of one which lapses or fails for any reason is transferred to the other, or to the others in proportion to the interest of each in the remaining part of the property held concurrently.

SECTION 15. The following shall be codified as Section 91-27-29, Mississippi Code of 1972:

91-27-29. **Transfer-on-death deed property subject to liens and encumbrances at transferor's death; creditors' claims.** Subject to Title 89, Chapter 5, Mississippi Code of 1972, relating to the recordation of instruments, a designated beneficiary takes the real property subject to all conveyances, encumbrances, assignments, contracts, mortgages, liens, and other interests to which the real property is subject at the transferor's death. For purposes of this subsection and Title 89, Chapter 5, Mississippi Code of 1972, the recording of the transfer-on-death deed is considered to have occurred at the transferor's death.

SECTION 16. The following shall be codified as Section 91-27-31, Mississippi Code of 1972:

91-27-31. **Disclaimer.** A designated beneficiary may disclaim all or part of the designated beneficiary's interest as provided by the Mississippi Uniform Disclaimer of Property Interests Act (2002/2010), Title 89, Chapter 22, Mississippi Code of 1972.

SECTION 17. The following shall be codified as Section 91-27-33, Mississippi Code of 1972:

91-27-33. **Optional form for transfer-on-death deed.** The following form may be used to create a transfer-on-death deed. This chapter governs the effect of this or any other instrument used to create a transfer-on-death deed:

REVOCABLE TRANSFER-ON-DEATH DEED

NOTICE TO OWNER

You should carefully read all information on the other side of this form. YOU MAY WANT TO CONSULT A LAWYER BEFORE USING THIS FORM.

This form must be recorded before your death, or it will not be effective.

IDENTIFYING INFORMATION

Owner or Owners Making This Deed:

____________________	____________________
Printed name	Mailing address
____________________	____________________
Printed name	Mailing address

Legal description of the property:

____

PRIMARY BENEFICIARY

I designate the following beneficiary if the beneficiary survives me.

____________________	____________________
Printed name	Mailing address, if available

ALTERNATE BENEFICIARY - Optional

If my primary beneficiary does not survive me, I designate the following alternate beneficiary if that beneficiary survives me.

__________________________ ______________________________

Printed name Mailing address, if available

TRANSFER-ON-DEATH

At my death, I transfer my interest in the described property to the beneficiaries as designated above.

Before my death, I have the right to revoke this deed as set forth in Section 97-27-21, Mississippi Code of 1972.

SIGNATURE OF OWNER OR OWNERS MAKING THIS DEED

______________________________ _________________

Signature Date

______________________________ _________________

Signature Date

ACKNOWLEDGMENT

(insert acknowledgment for deed here)

SECTION 18. The following shall be codified as Section 91-27-35, Mississippi Code of 1972:

91-27-35. **Optional form of revocation.** The following form may be used to create an instrument of revocation of a transfer-on-death deed. This chapter governs the effect of this or any other instrument used to revoke a transfer-on-death deed.

REVOCATION OF TRANSFER-ON-DEATH DEED

NOTICE TO OWNER

This revocation must be recorded before you die or it will not be effective. This revocation is effective only as to the interests in the property of owners who sign this revocation.

IDENTIFYING INFORMATION

Owner or Owners of Property Making This Revocation:

______________________________	______________________________
Printed name	Mailing address
______________________________	______________________________
Printed name	Mailing address

Legal description of the property:

____

REVOCATION

I revoke all my previous transfers of this property by transfer-on-death deed.

SIGNATURE OF OWNER OR OWNERS MAKING THIS REVOCATION

________________________________	___________________
Signature	Date
________________________________	___________________
Signature	Date

ACKNOWLEDGMENT

(insert acknowledgment here)

SECTION 19. The following shall be codified as Section 91-27-37, Mississippi Code of 1972:

91-27-37. **Relation to electronic signatures in Global and National Commerce Act.** This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C.

SECTION 20. The following shall be codified as Section 91-29-1, Mississippi Code of 1972:

91-29-1. **Will provisions made before dissolution of marriage.** (a) In this section:

(1) "Irrevocable trust" means a trust:

(A) For which the trust instrument was executed before the dissolution of a testator's marriage; and

(B) That the testator was not solely empowered by law or by the trust instrument to revoke.

(2) "Relative" means an individual related to another individual by:

(A) Consanguinity, as determined under Section 91-29-17; or

(B) Affinity, as determined under Section 91-29-19.

(b) If, after the testator makes a will, the testator's marriage is dissolved by divorce, annulment, or a declaration that the marriage is void, unless the will expressly provides otherwise:

(1) All provisions in the will, including all fiduciary appointments, shall be read as if the former spouse and each relative of the former spouse who is not a relative of the testator had failed to survive the testator; and

(2) All provisions in the will disposing of property to an irrevocable trust in which a former spouse or a relative of a former spouse who is not a relative of the testator is a beneficiary or is nominated to serve as trustee or in another fiduciary capacity or that confers a general or special power of appointment on a former spouse or a relative of a former spouse who is not a relative of the testator shall be read to instead dispose of the property to a trust the provisions of which are identical to the irrevocable trust, except any provision in the irrevocable trust:

(A) Conferring a beneficial interest or a general or special power of appointment to the former spouse or a relative of the former spouse who is not a relative of the testator shall be treated as if the former spouse and each relative of the former spouse who is not a relative of the testator had disclaimed the interest granted in the provision; and

(B) Nominating the former spouse or a relative of the former spouse who is not a relative of the testator to serve as trustee or in another fiduciary capacity, or trust protector, trust advisor, investment advisor or similar capacity, shall be treated as if the former spouse and each relative of the former spouse who is not a relative of the testator had died immediately before the dissolution of the marriage.

(c) Subsection (b)(2) does not apply if one (1) of the following provides otherwise:

(1) A court order; or

(2) An express provision of a contract relating to the division of the marital estate entered into between the testator and the testator's former spouse before, during, or after the marriage.

SECTION 21. The following shall be codified as Section 91-29-3, Mississippi Code of 1972:

91-29-3. **Treatment of decedent's former spouse.** A person is not a surviving spouse of a decedent if the person's marriage to the decedent has been dissolved by divorce, annulment, or a declaration that the marriage is void, unless:

(1) As the result of a subsequent marriage, the person is married to the decedent at the time of death; and

(2) The subsequent marriage is not declared void.

SECTION 22. The following shall be codified as Section 91-29-5, Mississippi Code of 1972:

91-29-5. **Definitions.** In this chapter:

(1) "Disposition or appointment of property" includes a transfer of property to or a provision of another benefit to a beneficiary under a trust instrument.

(2) "Divorced individual" means an individual whose marriage has been dissolved by divorce, annulment, or a declaration that the marriage is void.

(3) "Relative" means an individual who is related to another individual by consanguinity or affinity, as determined under Sections 91-29-17 and 91-25-19.

(4) "Revocable," with respect to a disposition, appointment, provision, or nomination, means a disposition to, appointment of, provision in favor of, or nomination of an individual's spouse that is contained in a trust instrument executed by the individual before the dissolution of the individual's marriage to the spouse and that the individual was solely empowered by law or by the trust instrument to revoke regardless of whether the individual had the capacity to exercise the power at that time.

SECTION 23. The following shall be codified as Section 91-29-7, Mississippi Code of 1972:

91-29-7. **Revocation of certain nontestamentary transfers; treatment of former spouse as beneficiary under certain policies or plans.** (a) The dissolution of the marriage revokes a provision in a trust instrument that was executed by a divorced individual as settlor before the divorced individual's marriage was dissolved and that:

(1) Is a revocable disposition or appointment of property made to the divorced individual's former spouse or any

relative of the former spouse who is not a relative of the divorced individual;

(2) Revocably confers a general or special power of appointment on the divorced individual's former spouse or any relative of the former spouse who is not a relative of the divorced individual; or

(3) Revocably nominates the divorced individual's former spouse or any relative of the former spouse who is not a relative of the divorced individual to serve:

(A) As a personal representative, trustee, conservator, agent, or guardian; or

(B) In another fiduciary or representative capacity.

(b) Subsection (a) does not apply if one (1) of the following provides otherwise:

(1) A court order;

(2) The express terms of a trust instrument executed by the divorced individual before the individual's marriage was dissolved; or

(3) An express provision of a contract relating to the division of the marital estate entered into between the divorced individual and the individual's former spouse before, during, or after the marriage.

(c) Sections 91-29-21 and 91-29-23 govern the designation of a former spouse as a beneficiary of certain life insurance policies or as a beneficiary under certain retirement benefit plans or other financial plans.

SECTION 24. The following shall be codified as Section 91-29-9, Mississippi Code of 1972:

91-29-9. **Effect of revocation.** (a) An interest granted in a provision of a trust instrument that is revoked under Section 91-29-7(a)(1) or (2) passes as if the former spouse of the divorced individual who executed the trust instrument and each relative of the former spouse who is not a relative of the divorced individual disclaimed the interest granted in the provision.

(b) An interest granted in a provision of a trust instrument that is revoked under Section 91-29-7(a)(3) passes as if the former spouse and each relative of the former spouse who is not a relative of the divorced individual died immediately before the dissolution of the marriage.

SECTION 25. The following shall be codified as Section 91-29-11, Mississippi Code of 1972:

91-29-11. **Liability of certain purchasers or recipients of certain payments, benefits, or property.** A bona fide purchaser of property from a divorced individual's former spouse or any relative of the former spouse who is not a relative of the divorced individual or a person who receives from the former spouse or any relative of the former spouse who is not a relative of the divorced individual a payment, benefit, or property in partial or full satisfaction of an enforceable obligation:

(1) Is not required by this chapter to return the payment, benefit, or property; and

(2) Is not liable under this chapter for the amount of the payment or the value of the property or benefit.

SECTION 26. The following shall be codified as Section 91-29-13, Mississippi Code of 1972:

91-29-13. **Liability of former spouse for certain payments, benefits or property.** A divorced individual's former spouse or any relative of the former spouse who is not a relative of the divorced individual who, not for value, receives a payment, benefit, or property to which the former spouse or the relative of the former spouse who is not a relative of the divorced individual is not entitled as a result of Sections 91-29-7 (a) and (b):

(1) Shall return the payment, benefit, or property to the person who is entitled to the payment, benefit, or property under this chapter; or

(2) Is personally liable to the person described by paragraph (1) for the amount of the payment or the value of the benefit or property received, as applicable.

SECTION 27. The following shall be codified as Section 91-29-15, Mississippi Code of 1972:

91-29-15. **Certain trusts with divorced individuals as joint settlors.** (a) This section applies only to a trust created under a trust instrument that:

(1) Was executed by two (2) married individuals as settlors whose marriage to each other is subsequently dissolved; and

(2) Includes a provision described by Section 91-29-7(a).

(b) On the death of one (1) of the divorced individuals who is a settlor of a trust to which this section applies, the trustee shall divide the trust into two (2) trusts, each of which shall be composed of the property attributable to the contributions of only one (1) of the divorced individuals.

(c) An action authorized in a trust instrument described by subsection (a) that requires the actions of both divorced individuals may be taken with respect to a trust established in accordance with subsection (b) from the surviving divorced individual's contributions solely by that divorced individual.

(d) The provisions of this chapter apply independently to each trust established in accordance with subsection (b) as if the divorced individual from whose contributions the trust was established had been the only settlor to execute the trust instrument described by subsection (a).

(e) This section does not apply if one (1) of the following provides otherwise:

(1) A court order;

(2) The express terms of a trust instrument executed by the two (2) divorced individuals before their marriage was dissolved; or

(3) An express provision of a contract relating to the division of the marital estate entered into between the two (2) divorced individuals before, during, or after their marriage.

SECTION 28. The following shall be codified as Section 91-29-17, Mississippi Code of 1972:

91-29-17. **Designation of former spouse or relative of former spouse on certain multiple-party accounts.** (a) In this section:

(1) "Beneficiary," "multiple-party account, "party," "P.O.D. account," "P.O.D. payee," "T.O.D. account," and "T.O.D. payee" have the meanings assigned in Title 91, Chapter 21, Mississippi Code of 1972.

(2) "Public retirement system" has the meaning assigned by Section 25-11-101.

(b) If a decedent established a P.O.D. account, T.O.D. account, or other multiple-party account and the decedent's marriage was later dissolved by divorce, annulment, or a declaration that the marriage is void, any payable on request after death designation provision with respect to that account in favor of the decedent's former spouse or a relative of the former spouse who is not a relative of the decedent is not effective as to that spouse or relative unless:

(1) The court decree dissolving the marriage designates the former spouse or the former spouse's relative as the P.O.D. payee, T.O.D. payee, or beneficiary; or

(2) After the marriage was dissolved, the decedent redesignated the former spouse or the former spouse's relative as the P.O.D payee, T.O.D. payee, or beneficiary; or

(3) The former spouse or the former spouse's relative is designated to receive the proceeds or benefits in trust for, on behalf of, or for the benefit of a child or dependent of either the decedent or the former spouse.

(c) If a designation is not effective under subsection (b), a multiple-party account is payable to the named alternative P.O.D. payee, T.O.D. payee, or beneficiary or, if an alternative P.O.D. payee, T.O.D. payee, or beneficiary is not named, to the estate of the decedent.

(d) A financial institution or other person obligated to pay an account described by subsection (b) that pays the account to the former spouse or the former spouse's relative as P.O.D. payee, T.O.D. payee, or beneficiary under a designation that is not effective under subsection (b) is liable for payment of the account to the person provided by subsection (c) only if:

(1) Before payment of the account to the designated P.O.D. payee, T.O.D. payee, or beneficiary, the payor receives written notice at the home office or principal office of the payor from an interested person that the designation of the P.O.D.

payee, T.O.D. payee, or beneficiary is not effective under subsection (b); and

(2) The payor has not interpleaded the account funds into the registry of a court of competent jurisdiction in accordance with the Mississippi Rules of Civil Procedure.

(e) This section does not affect the right of a former spouse to assert an ownership interest in an undivided multiple-party account described by subsection (b).

(f) This section does not apply to the disposition of a beneficial interest in a retirement benefit or other financial plan of a public retirement system.

SECTION 29. The following shall be codified as Section 91-29-19, Mississippi Code of 1972:

91-29-19. **Determination of consanguinity.** (a) Two (2) individuals are related to each other by consanguinity if:

(1) One (1) is a descendant of the other; or

(2) They share a common ancestor.

(b) An adopted child is considered to be a child of the adoptive parent for this purpose.

SECTION 30. The following shall be codified as Section 91-29-29, Mississippi Code of 1972:

91-29-29. **Determination of affinity.** (a) Two (2) individuals are related to each other by affinity if:

(1) They are married to each other; or

(2) The spouse of one (1) of the individuals is related by consanguinity to the other individual.

(b) The ending of a marriage by divorce or the death of a spouse ends relationships by affinity created by that marriage.

SECTION 31. The following shall be codified as Section 91-29-23, Mississippi Code of 1972:

91-29-23. **Pre-decree designation of ex-spouse as beneficiary of life insurance.** (a) If a decree of divorce or annulment is rendered after an insured has designated the insured's spouse as a beneficiary under a life insurance policy in force at the time of rendition, a provision in the policy in favor of the insured's former spouse is not effective unless:

(1) The decree designates the insured's former spouse as the beneficiary;

(2) The insured redesignates the former spouse as the beneficiary after rendition of the decree; or

(3) The former spouse is designated to receive the proceeds in trust for, on behalf of, or for the benefit of a child or a dependent of either former spouse.

(b) If a designation is not effective under subsection (a), the proceeds of the policy are payable to the named alternative beneficiary or, if there is not a named alternative beneficiary, to the estate of the insured.

(c) An insurer who pays the proceeds of a life insurance policy issued by the insurer to the beneficiary under a designation that is not effective under subsection (a) is liable for payment of the proceeds to the person or estate provided by subsection (b) only if:

(1) Before payment of the proceeds to the designated beneficiary, the insurer receives written notice at the home office of the insurer from an interested person that the designation is not effective under subsection (a); and

(2) The insurer has not interpleaded the proceeds into the registry of a court of competent jurisdiction in accordance with the Mississippi Rules of Civil Procedure.

SECTION 32. The following shall be codified as Section 91-29-25, Mississippi Code of 1972:

91-29-25. **Pre-decree designation of ex-spouse as beneficiary in retirement benefits and other financial plans.** (a) If a decree of divorce or annulment is rendered after a spouse, acting in the capacity of a participant, annuitant, or account holder, has designated the other spouse as a beneficiary under an individual retirement account, employee stock option plan, stock option, or other form of savings, bonus, profit-sharing, or other employer plan or financial plan of an employee or a participant in force at the time of rendition, the designating provision in the plan in favor of the other former spouse is not effective unless:

(1) The decree designates the other former spouse as the beneficiary;

(2) The designating former spouse redesignates the other former spouse as the beneficiary after rendition of the decree; or

(3) The other former spouse is designated to receive the proceeds or benefits in trust for, on behalf of, or for the benefit of a child or dependent of either former spouse.

(b) If a designation is not effective under subsection (a), the benefits or proceeds are payable to the named alternative beneficiary or, if there is not a named alternative beneficiary, to the designating former spouse.

(c) A business entity, employer, pension trust, insurer, financial institution, or other person obligated to pay retirement benefits or proceeds of a financial plan covered by this section who pays the benefits or proceeds to the beneficiary under a designation of the other former spouse that is not effective under subsection (a) is liable for payment of the benefits or proceeds to the person provided by subsection (b) only if:

(1) Before payment of the benefits or proceeds to the designated beneficiary, the payor receives written notice at the home office or principal office of the payor from an interested person that the designation of the beneficiary or fiduciary is not effective under subsection (a); and

(2) The payor has not interpleaded the benefits or proceeds into the registry of a court of competent jurisdiction in accordance with the Mississippi Rules of Civil Procedure.

(d) This section does not affect the right of a former spouse to assert an ownership interest in an undivided pension, retirement, annuity, or other financial plan described by this section as provided by this chapter.

(e) This section does not apply to the disposition of a beneficial interest in a retirement benefit or other financial plan of a public retirement system as defined by Section 25-11-101 et seq.

SECTION 33. The following shall be codified as Section 91-25-1, Mississippi Code of 1972:

91-25-1. **Short title.** This chapter may be cited as the Mississippi Uniform Estate Tax Apportionment Act.

SECTION 34. The following shall be codified as Section 91-25-3, Mississippi Code of 1972:

91-25-3. **Definitions.** In this chapter:

(1) "Apportionable estate" means the value of the gross estate as finally determined for purposes of the estate tax to be apportioned reduced by:

(A) Any claim or expense allowable as a deduction for purposes of the tax;

(B) The value of any interest in property that, for purposes of the tax, qualifies for a marital or charitable deduction or otherwise is deductible or is exempt; and

(C) Any amount added to the decedent's gross estate because of a gift tax on transfers made before death.

(2) "Chancery court" means the chancery court where the decedent's will is probated in the State of Mississippi.

(3) "Estate tax" means a federal, state, or foreign tax imposed because of the death of an individual and interest and penalties associated with the tax. The term does not include an inheritance tax, income tax, or generation-skipping transfer tax other than a generation-skipping transfer tax incurred on a direct skip taking effect at death.

(4) "Gross estate" means, with respect to an estate tax, all interests in property subject to the tax.

(5) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(6) "Ratable" means apportioned or allocated pro rata according to the relative values of interests to which the term is to be applied. "Ratably" has a corresponding meaning.

(7) "Time-limited interest" means an interest in property which terminates on a lapse of time or on the occurrence or nonoccurrence of an event or which is subject to the exercise of discretion that could transfer a beneficial interest to another person. The term does not include a cotenancy unless the cotenancy itself is a time-limited interest. The term also does not include an interest in property to the extent the beneficiary

has the sole right to accelerate, require or elect to receive a distribution of the property.

(8) "Value" means, with respect to an interest in property, fair market value as finally determined for purposes of the estate tax that is to be apportioned, reduced by any outstanding debt secured by the interest without reduction for taxes paid or required to be paid or for any special valuation adjustment.

SECTION 35. The following shall be codified as Section 91-25-5, Mississippi Code of 1972:

91-25-5. **Apportionment by will or other dispositive instrument.** (a) Except as otherwise provided in subsection (c), the following rules apply:

(1) To the extent that a provision of a decedent's will expressly and unambiguously directs the apportionment of an estate tax, the tax must be apportioned accordingly.

(2) Any portion of an estate tax not apportioned under paragraph (1) must be apportioned in accordance with any provision of a revocable trust of which the decedent was the settlor which expressly and unambiguously directs the apportionment of an estate tax. If conflicting apportionment provisions appear in two (2) or more revocable trust instruments, the provision in the most recently dated instrument prevails. For purposes of this paragraph:

(A) A trust is revocable if it was revocable immediately after the trust instrument was executed, even if the trust subsequently becomes irrevocable; and

(B) The date of an amendment to a revocable trust instrument is the date of the amended instrument only if the amendment contains an apportionment provision.

(3) If any portion of an estate tax is not apportioned under paragraph (1) or (2), and a provision in any other dispositive instrument expressly and unambiguously directs that any interest in the property disposed of by the instrument is or is not to be applied to the payment of the estate tax attributable to the interest disposed of by the instrument, the provision controls the apportionment of the tax to that interest.

(b) Subject to subsection (c), and unless the decedent expressly and unambiguously directs the contrary, the following rules apply:

(1) If an apportionment provision directs that a person receiving an interest in property under an instrument is to be exonerated from the responsibility to pay an estate tax that would otherwise be apportioned to the interest, the tax attributable to the exonerated interest must be apportioned ratably among all the other persons receiving interests in the apportionable estate that are not exonerated from apportionment of the tax.

(2) If an apportionment provision directs that an estate tax is to be apportioned to an interest in property a

portion of which qualifies for a marital or charitable deduction, the estate tax must first be apportioned ratably among the holders of the portion that does not qualify for a marital or charitable deduction and then apportioned ratably among the holders of the deductible portion to the extent that the value of the nondeductible portion is insufficient.

(3) Except as otherwise provided in paragraph (4), if an apportionment provision directs that an estate tax be apportioned to property in which one or more time-limited interests exist, other than interests in specified property under Section 91-25-13, the tax must be apportioned to the principal of that property, regardless of the deductibility of some of the interests in that property.

(4) If an apportionment provision directs that an estate tax is to be apportioned to the holders of interests in property in which one or more time-limited interests exist and a charity has an interest that otherwise qualifies for an estate tax charitable deduction, the tax must first be apportioned, to the extent feasible, to interests in property that have not been distributed to the persons entitled to receive the interests. No tax shall be paid from a charitable remainder annuity trust or charitable remainder unitrust described in Section 664 of the Internal Revenue Code (26 U.S.C. Section 664) and created during the decedent's life.

(c) A provision that apportions an estate tax is ineffective to the extent that it increases the tax apportioned to a person having an interest in the gross estate over which the decedent had no power to transfer immediately before the decedent executed the instrument in which the apportionment direction was made. For purposes of this subsection, a testamentary power of appointment is a power to transfer the property that is subject to the power.

SECTION 36. The following shall be codified as Section 91-25-7, Mississippi Code of 1972:

91-25-7. **Statutory apportionment of estate taxes.** To the extent that apportionment of an estate tax is not controlled by an instrument described in Section 91-25-5 and except as otherwise provided in Sections 91-25-11 and 91-25-13, the following rules apply:

(1) Subject to paragraphs (2), (3) and (4), the estate tax is apportioned ratably to each person that has an interest in the apportionable estate.

(2) A generation-skipping transfer tax incurred on a direct skip taking effect at death is charged to the person to which the interest in property is transferred.

(3) If property is included in the decedent's gross estate because of Section 2044 of the Internal Revenue Code of 1986 or any similar estate tax provision, the difference between the total estate tax for which the decedent's estate is liable and the amount of estate tax for which the decedent's estate would

have been liable if the property had not been included in the decedent's gross estate is apportioned ratably among the holders of interests in the property. The balance of the tax, if any, is apportioned ratably to each other person having an interest in the apportionable estate.

(4) Except as otherwise provided in Section 91-25-5(b)(4) and except as to property to which Section 91-25-13 applies, an estate tax apportioned to persons holding interests in property subject to a time-limited interest must be apportioned, without further apportionment, to the principal of that property.

SECTION 37. The following shall be codified as Section 91-25-9, Mississippi Code of 1972:

91-25-9. **Credits and deferrals.** Except as otherwise provided in Sections 91-25-11 and 91-25-13, the following rules apply to credits and deferrals of estate taxes:

(1) A credit resulting from the payment of gift taxes or from estate taxes paid on property previously taxed inures ratably to the benefit of all persons to which the estate tax is apportioned.

(2) A credit for state or foreign estate taxes inures ratably to the benefit of all persons to which the estate tax is apportioned, except that the amount of a credit for a state or foreign tax paid by a beneficiary of the property on which the state or foreign tax was imposed, directly or by a charge against the property, inures to the benefit of the beneficiary.

(3) If payment of a portion of an estate tax is deferred because of the inclusion in the gross estate of a particular interest in property, the benefit of the deferral inures ratably to the persons to which the estate tax attributable to the interest is apportioned. The burden of any interest charges incurred on a deferral of taxes and the benefit of any tax deduction associated with the accrual or payment of the interest charge is allocated ratably among the persons receiving an interest in the property.

SECTION 38. The following shall be codified as Section 91-25-11, Mississippi Code of 1972:

91-25-11. **Insulated property; advancement of tax.** (a) In this section:

(1) "Advanced fraction" means a fraction that has as its numerator the amount of the advanced tax and as its denominator the value of the interests in insulated property to which that tax is attributable.

(2) "Advanced tax" means the aggregate amount of estate tax attributable to interests in insulated property which is required to be advanced by uninsulated holders under subsection (c).

(3) "Insulated property" means property subject to a time-limited interest which is included in the apportionable estate but is unavailable for payment of an estate tax because of impossibility or impracticability.

(4) "Uninsulated holder" means a person who has an interest in uninsulated property.

(5) "Uninsulated property" means property included in the apportionable estate other than insulated property.

(b) If an estate tax is to be advanced under subsection (c) by persons holding interests in uninsulated property subject to a time-limited interest other than property to which Section 91-25-13 applies, the tax must be advanced, without further apportionment, from the principal of the uninsulated property.

(c) Subject to Section 91-25-17(b) and (d), an estate tax attributable to interests in insulated property must be advanced ratably by uninsulated holders. If the value of an interest in uninsulated property is less than the amount of estate taxes otherwise required to be advanced by the holder of that interest, the deficiency must be advanced ratably by the persons holding interests in properties that are excluded from the apportionable estate under Section 91-25-3(1)(B) as if those interests were in uninsulated property.

(d) A court having jurisdiction to determine the apportionment of an estate tax may require a beneficiary of an interest in insulated property to pay all or part of the estate tax otherwise apportioned to the interest if the court finds that it would be substantially more equitable for that beneficiary to bear the tax liability personally than for that part of the tax to be advanced by uninsulated holders.

(e) When a distribution of insulated property is made, each uninsulated holder may recover from the distributee a ratable portion of the advanced fraction of the property distributed. To the extent that undistributed insulated property ceases to be insulated, each uninsulated holder may recover from the property a ratable portion of the advanced fraction of the total undistributed property.

(f) Upon payment by an uninsulated holder of estate tax required to be advanced, a court may require the beneficiary of an interest in insulated property to provide a bond or other security, including a recordable lien on the property of the beneficiary, for repayment of the advanced tax.

SECTION 39. The following shall be codified as Section 91-25-13, Mississippi Code of 1972:

91-25-13. **Apportionment and recapture of special elective benefits.** (a) In this section:

(1) "Special elective benefit" means a reduction in an estate tax obtained by an election for:

(A) A reduced valuation of specified property that is included in the gross estate;

(B) A deduction from the gross estate, other than a marital or charitable deduction, allowed for specified property; or

(C) An exclusion from the gross estate of specified property.

(2) "Specified property" means property for which an election has been made for a special elective benefit.

(b) If an election is made for one or more special elective benefits, an initial apportionment of a hypothetical estate tax must be computed as if no election for any of those benefits had been made. The aggregate reduction in estate tax resulting from all elections made must be allocated among holders of interests in the specified property in the proportion that the amount of deduction, reduced valuation, or exclusion attributable to each holder's interest bears to the aggregate amount of deductions, reduced valuations, and exclusions obtained by the decedent's estate from the elections. If the estate tax initially apportioned to the holder of an interest in specified property is reduced to zero, any excess amount of reduction reduces ratably the estate tax apportioned to other persons that receive interests in the apportionable estate.

(c) An additional estate tax imposed to recapture all or part of a special elective benefit must be charged to the persons that are liable for the additional tax under the law providing for the recapture.

SECTION 40. The following shall be codified as Section 91-25-15, Mississippi Code of 1972:

91-25-15. **Securing payment of estate tax from property in possession of fiduciary.** (a) A fiduciary may defer a distribution of property until the fiduciary is satisfied that adequate provision for payment of the estate tax has been made.

(b) A fiduciary may withhold from a distributee an amount equal to the amount of estate tax apportioned to an interest of the distributee and the estate tax required to be advanced by the distributee.

(c) As a condition to a distribution, a fiduciary may require the distributee to provide a bond or other security for the portion of the estate tax apportioned to the distributee and also for the estate tax required to be advanced by the distributee.

SECTION 41. The following shall be codified as Section 91-25-17, Mississippi Code of 1972:

91-25-17. **Collection of estate tax by fiduciary.** (a) A fiduciary responsible for payment of an estate tax may collect from any person the estate tax apportioned to and the tax required to be advanced by the person.

(b) Except as otherwise provided in Section 27-10-61, any estate tax due from a person that cannot be collected from the person may be collected by the fiduciary from other persons in the following order of priority:

(1) Any person having an interest in the apportionable estate which is not exonerated from the tax;

(2) Any other person having an interest in the apportionable estate; or

(3) Any person having an interest in the gross estate.

(c) A domiciliary fiduciary may recover from an ancillary personal representative the estate tax apportioned to the property controlled by the ancillary personal representative.

(d) The total tax collected from a person under this act may not exceed the value of the person's interest.

SECTION 42. The following shall be codified as Section 91-25-19, Mississippi Code of 1972:

91-25-19. **Right of reimbursement.** (a) A person required under Section 91-25-17 to pay an estate tax greater than the amount due from the person under Section 91-25-5 or 91-25-7 has a right to reimbursement from another person to the extent that the other person has not paid the tax required by Section 91-25-5 or 91-25-7 and a right to reimbursement ratably from other persons to the extent that each has not contributed a portion of the amount collected under Section 91-25-17(b). The right to reimbursement includes the right to receive interest on the amount of the estate tax payment from the date of the payment to the date of reimbursement at the interest rate that would be charged during such period on an estate tax deficiency by the taxing authority that imposed the estate tax. The right of reimbursement also includes the reasonable costs of collection, including attorney's fees.

(b) A fiduciary may enforce the right of reimbursement under subsection (a) on behalf of the person that is entitled to the reimbursement and shall take reasonable steps to do so if requested by the person.

SECTION 43. The following shall be codified as Section 91-25-21, Mississippi Code of 1972:

91-25-21. **Action to determine or enforce act.** (a) The chancery court has jurisdiction and all power necessary to make the prorations and the orders directing the payment of amounts of tax contemplated by this chapter.

(b) Such jurisdiction may be invoked by petition filed in the chancery court by an executor, administrator, temporary administrator, trustee or other person acting in a fiduciary capacity, transferee, beneficiary of the gross estate, or any other person having such an interest as may in the judgment of the chancery court entitle such person to file such a petition.

(c) The chancery court, upon making a determination as provided in this chapter, shall make a decree or order directing the executor, administrator or other fiduciary to charge the prorated amounts against the persons against whom the tax has been so prorated, insofar as such person is in possession of property or interests of such persons against whom such charge has been made, and summarily directing all other persons against whom the tax has been so prorated or who are in possession of property or interests of such persons to make payment of such prorated amounts to such executor, administrator or other fiduciary or to another person who has paid such tax.

SECTION 44. The following shall be codified as Section 91-25-23, Mississippi Code of 1972:

91-25-23. **Uniformity of application and construction.** In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

SECTION 45. The following shall be codified as Section 91-25-25, Mississippi Code of 1972:

91-25-25. **Severability.** If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

SECTION 46. The following shall be codified as Section 91-25-27, Mississippi Code of 1972:

91-25-27. **Delayed application.** (a) This chapter does not apply to the estate of a decedent who dies on or within one (1) year after the effective date of this act, nor with respect to a decedent who dies more than one (1) year after the effective date of this act, if the decedent continuously lacked testamentary capacity from the expiration of the one-year period until the date of death.

(b) With respect to a decedent who dies on or after the effective date of this act, to whom this chapter does not apply, estate taxes must be apportioned under the law in effect on the day before the effective date of this act.

(c) Notwithstanding the provisions of subsection (a) and (b), this chapter applies with respect to a decedent to whom the provisions would not otherwise apply if the decedent expressly and unambiguously directs that the provisions shall apply to such decedent.

SECTION 47. The following shall be codified as Section 91-7-501 Mississippi Code of 1972:

91-7-501. As used in this act:

(1) "Local administration" means administration by a personal representative appointed in this state pursuant to appointment proceedings.

(2) "Personal representative" means an executor, an administrator with or without the will annexed, or other representative authorized in a court of competent jurisdiction to conduct an estate administration.

(3) "Local personal representative" includes any personal representative appointed in this state by appointment proceedings and excludes foreign personal representatives who acquire the power of a local personal representative under Section 91-7-509.

(4) "Resident creditor" means a person domiciled in, or doing business in this state, who is, or could be, a claimant against an estate of a nonresident decedent.

(5) "Foreign personal representative" means a personal representative appointed by another jurisdiction.

SECTION 48. The following shall be codified as Section 91-7-503, Mississippi Code of 1972:

91-7-503. At any time after the expiration of sixty (60) days from the death of a nonresident decedent, any person indebted to the estate of the nonresident decedent or having possession or control of personal property, or of an instrument evidencing a debt, obligation, stock or chose in action belonging to the estate of the nonresident decedent may pay the debt, deliver the personal property, or the instrument evidencing the debt, obligation, stock or chose in action, to the domiciliary foreign personal representative of the nonresident decedent upon being presented with proof of his appointment, including the admitted will and letters testamentary or letters of administration or substantial equivalent, authenticated under the Acts of Congress under 28 U.S.C.A. Section 1739, and an affidavit made by or on behalf of the personal representative stating:

(1) The date of the death of the nonresident decedent;

(2) That no local administration, or application or petition therefor, is pending in this state; and

(3) That the domiciliary foreign personal representative is entitled to payment or delivery.

SECTION 49. The following shall be codified as Section 91-7-505, Mississippi Code of 1972:

91-7-505. Payment or delivery made in good faith on the basis of the proof of authority, including the admitted will and letters testamentary or letters of administration or substantial equivalent, authenticated under the Acts of Congress under 28 U.S.C.A. Section 1739, and affidavit releases the debtor or person having possession of the personal property to the same extent as if payment or delivery had been made to a local personal representative.

SECTION 50. The following shall be codified as Section 91-7-507, Mississippi Code of 1972:

91-7-507. Payment or delivery under Section 91-7-503 may not be made if a resident creditor of the nonresident decedent has notified the debtor of the nonresident decedent or the person having possession of the personal property belonging to the nonresident decedent that the debt should not be paid nor the property delivered to the domiciliary foreign personal representative.

SECTION 51. The following shall be codified as Section 91-7-509, Mississippi Code of 1972:

91-7-509. If no local administration or application or petition therefor is pending in this state, a domiciliary foreign personal representative may file with a court in this state in a county in which property belonging to the decedent is located, authenticated copies of his appointment, including the admitted will and letters testamentary or letters of administration or substantial equivalent, authenticated under the Acts of Congress under 28 U.S.C.A. Section 1739, and any official bond he has given. A domiciliary foreign personal representative is subject to the estate administration requirements and obligations set forth in Title 91, Chapter 7, Mississippi Code of 1972.

SECTION 52. The following shall be codified as Section 91-7-511, Mississippi Code of 1972:

91-7-511. A domiciliary foreign personal representative who has complied with Section 91-7-509 may exercise as to assets in this state all powers of a local personal representative, and may maintain actions and proceedings in this state subject to any conditions imposed upon nonresident parties generally.

SECTION 53. The following shall be codified as Section 91-7-513, Mississippi Code of 1972:

91-7-513. The power of a domiciliary foreign personal representative under Section 91-7-503 or Section 91-7-511 shall be exercised only if there is no administration or application therefor pending in this state. An application or petition for local administration of the estate terminates the power of the foreign personal representative to act under Section 91-7-509, but the local court may allow the foreign personal representative to exercise limited powers to preserve the estate. A person who, before receiving actual notice of a pending local administration, has changed his position in reliance upon the powers of a foreign personal representative shall not be prejudiced by reason of the application or petition for, or grant of, local administration. The local personal representative is subject to all duties and obligations which have accrued by virtue of the exercise of the powers by the foreign personal representative and may be substituted for him in any action or proceedings in this state.

SECTION 54. The following shall be codified as Section 91-7-515, Mississippi Code of 1972:

91-7-515. In respect to a nonresident decedent, the provisions of this chapter govern:

(1) Proceedings, if any, in a court of this state for probate of the will, appointment, removal, supervision, and discharge of the local personal representative, and any other order concerning the estate; and

(2) The status, powers, duties and liabilities of any local personal representative and the rights of claimants, purchasers, distributees and others in regard to a local administration.

SECTION 55. The following shall be codified as Section 91-7-517, Mississippi Code of 1972:

91-7-517. A foreign personal representative submits personally to the jurisdiction of the courts of this state in any proceeding relating to the estate by: (1) filing authenticated copies of his appointment as provided in Section 91-7-509; or (2) receiving payment of money or taking delivery of personal property under Section 91-7-503; or (3) doing any act as a personal representative in this state that would have given the state jurisdiction over him as an individual. Jurisdiction under paragraph (1) is limited to the money or value of personal property collected.

SECTION 56. The following shall be codified as Section 91-7-519, Mississippi Code of 1972:

91-7-519. In addition to jurisdiction conferred by Section 91-7-515, a foreign personal representative is subject to the jurisdiction of the courts of this state to the same extent that his decedent was subject to jurisdiction immediately before death.

SECTION 57. The following shall be codified as Section 91-7-521, Mississippi Code of 1972:

91-7-521. (a) Service of process may be made upon the foreign personal representative by registered or certified mail, addressed to his last reasonably ascertainable address, requesting a return receipt signed by addressee only. Notice by ordinary first-class mail is sufficient if registered or certified mail service to the addressee is unavailable. Service may be made upon a foreign personal representative in the manner in which service could have been made under other laws of this state on either the foreign personal representative or his decedent immediately before death.

(b) If service is made upon a foreign personal representative as provided in subsection (a), he shall be allowed at least thirty (30) days within which to appear or respond.

SECTION 58. The following shall be codified as Section 91-7-523, Mississippi Code of 1972:

91-7-523. An adjudication rendered in any jurisdiction in favor of or against any foreign personal representative of the estate is as binding on the local personal representative as if he were a party to the adjudication.

SECTION 59. The following shall be codified as Section 91-8-501, Mississippi Code of 1972:

91-8-501. **Application of Article 5; rights of beneficiary's creditor or assignee.** This Article 5 applies to a creditor's or assignee's claims and ability to reach mandatory, support and discretionary interests regardless of whether such interests are subject to a spendthrift provision. To the extent not otherwise prohibited by this Article 5, the court may authorize a creditor or assignee of the beneficiary to reach the beneficiary's distribution interest by attachment of present or future distributions to or for the benefit of the beneficiary or other means. The court may limit the award to such relief as is appropriate under the circumstances.

SECTION 60. The following shall be codified as Section 91-8-502, Mississippi Code of 1972:

91-8-502. **Spendthrift provision.** (a) Except as provided in Section 91-8-505, if the trust instrument provides that a beneficiary's interest in a trust is not subject to voluntary or involuntary transfer, the beneficiary's interest in the trust may not be transferred and is not subject to the enforcement of a money judgment until paid to the beneficiary.

(b) A term of a trust providing that the interest of a beneficiary is held subject to a "spendthrift trust," or words of similar import, is sufficient to restrain both voluntary and involuntary transfer of the beneficiary's interest.

(c) A spendthrift provision applies to all beneficial interests, including distribution interests whether with respect to income or principal or both, and remainder interests.

(d) A beneficiary may not transfer an interest in a trust in violation of a valid spendthrift provision, and a creditor or assignee of the beneficiary may not reach the interest or a present, future or prospective distribution by the trustee before its receipt by the beneficiary. Similarly, a creditor or assignee of the beneficiary may not force a distribution from the trust. This subsection (d) remains applicable regardless of the beneficiary's potential right to force a distribution under Section 91-8-814.

(e) Notwithstanding any other provision of this section to the contrary or whether a beneficiary has an outstanding creditor, a trustee, cotrustee, or other fiduciary of a trust subject to a spendthrift provision may directly pay any expense on behalf of the beneficiary and may exhaust the income and principal of the trust for the benefit of the beneficiary. A trustee, cotrustee or other fiduciary is not liable to any creditor for paying the expenses of a beneficiary under a trust subject to a spendthrift provision. This subsection (e) remains applicable whether the beneficiary for whom the direct payment was made held a mandatory, support, discretionary or remainder interest.

SECTION 61. The following shall be codified as Section 91-8-503, Mississippi Code of 1972:

91-8-503. **Discretionary interests; effect thereof.** (a) A discretionary interest is neither a property interest nor an enforceable right; it is a mere expectancy.

(b) Relative to a discretionary interest, whether or not a trust contains a spendthrift provision:

(1) A creditor or assignee cannot force or otherwise reach a distribution with regard to a discretionary interest;

(2) A creditor or assignee cannot require a trustee, cotrustee or other fiduciary to exercise the trustee's, cotrustee's or other fiduciary's discretion to make a distribution with regard to a discretionary interest;

(3) Whether or not a beneficiary has any outstanding creditors or assignees, a trustee, cotrustee or other fiduciary of a discretionary interest may directly pay any expense on behalf of the beneficiary and may exhaust the income and principal of the trust for the benefit of the beneficiary;

(4) A trustee, cotrustee or other fiduciary is not liable to any creditor or assignee for paying the expenses of a beneficiary of a discretionary interest;

(5) (A) Whether or not a beneficiary holding a discretionary interest is also a trustee, cotrustee or other fiduciary, subsections (b)(1) through (4) remain applicable if:

(i) The beneficiary-fiduciary does not have the discretion to make or participate in making distributions to such beneficiary-fiduciary;

(ii) The beneficiary-fiduciary's discretion to make or participate in making distributions to such beneficiary-fiduciary is limited by an ascertainable standard; or

(iii) The beneficiary-fiduciary's discretion to make or participate in making distributions to such beneficiary-fiduciary is exercisable only with the consent of a cotrustee or another person holding an adverse interest.

(B) A creditor or assignee may compel or otherwise reach a distribution only to the extent the creditor or assignee may compel or otherwise reach a distribution if the beneficiary was not acting as a trustee, cotrustee or other fiduciary.

SECTION 62. The following shall be codified as Section 91-8-504, Mississippi Code of 1972:

91-8-504. **Creditors' claims against settlor.** (a) Whether or not the terms of a trust contain a spendthrift provision, the following rules apply:

(1) During the lifetime of the settlor, the property of a revocable trust is subject to claims of the settlor's creditors.

(2) Except as provided in the Mississippi Qualified Disposition in Trust Act and subsections (a)(3) through (5) regarding an irrevocable special needs trust, a creditor or assignee of the settlor of an irrevocable trust may reach the maximum amount that can be distributed to or for the settlor's benefit. If a trust has more than one (1) settlor, the amount the creditor or assignee of a particular settlor may reach may not exceed the settlor's interest in the portion of the trust attributable to that settlor's contribution.

(3) For the purposes of this section, "irrevocable special needs trust" means an irrevocable trust established for the benefit of one or more disabled persons, which includes, but is not limited to, an individual who is disabled as defined in 42 U.S.C. Section 1382c(a), as well as an individual who is disabled as defined in any similar federal, state or other jurisdictional law or regulation, or has a condition that is substantially equivalent to one that qualifies the person as disabled under such a provision, even if not officially found to be disabled by a governmental body, if one (1) of the purposes of the trust, expressed in the trust instrument or implied from the trust instrument, is to allow the disabled person to qualify or continue to qualify for public, charitable or private benefits that might otherwise be available to the disabled person. The existence of one or more nondisabled remainder beneficiaries of the trust does

not disqualify it as an irrevocable special needs trust for the purposes of this section.

(4) A creditor or assignee of the settlor of an irrevocable special needs trust, as defined in subsection (a)(3), may not reach or compel distributions from the special needs trust, to or for the benefit of the settlor of the special needs trust, or otherwise, whether or not the irrevocable special needs trust complies with, and irrespective of the requirements of, the Mississippi Qualified Disposition in Trust Act.

(5) Notwithstanding any law to the contrary, neither a creditor nor any other person shall have any claim or cause of action against the trustee or other fiduciary, or an advisor of an irrevocable special needs trust. For purposes of this subsection (a)(5), an advisor of an irrevocable special needs trust includes any person involved in the counseling, drafting, preparation, execution or funding of an irrevocable special needs trust.

(6) After the death of a settlor, and subject to the settlor's right to direct the source from which liabilities will be paid, the property of a trust that was revocable immediately preceding the settlor's death is subject to claims of the settlor's creditors, costs of administration of the settlor's estate, and the expenses of the settlor's funeral and disposal of remains subject to the following:

(A) With respect to claims, expenses, and taxes in connection with the settlement of the settlor's estate, any claim of a creditor that would be barred against the fiduciary of a settlor's estate, the estate of the settlor, or any creditor or beneficiary of the settlor's estate shall be barred against the trust property of a trust that was revocable at the settlor's death, the trustee of the revocable trust, and the creditors and beneficiaries of the trust.

(B) Unless a personal representative of the settlor's estate has been appointed or an application or petition for appointment of a personal representative of the settlor's estate is pending, the trustee at any time may give notice to any person the trustee has reason to believe may have a claim against the settlor at death, at the claimant's last known address. The notice shall contain the name and address of the trustee to whom the claim must be presented and provide information that failure to present the claim to the trustee within ninety (90) days of the date of the notice will forever bar the claim. If the person fails to present the claim in writing within ninety (90) days from the date of the notice, then the person is forever barred from asserting or recovering on the claim from the trustee, the trust property and the creditors and beneficiaries of the trust. A person who presents a claim on or before the date specified in the notice may not later increase the claim following the expiration of the ninety-day period.

(C) Unless a personal representative of the settlor's estate has been appointed or an application or petition for appointment of a personal representative of the settlor's estate is pending, a trustee may also publish in some newspaper in the county of the decedent's last residence a notice requiring all persons having unknown claims against the settlor to present their claims to the trustee, which notice shall state that failure to present the claim to the trustee within ninety (90) days of the date after the first publication of the notice will forever bar the claim. The notice must be published for three (3) consecutive weeks, and proof of publication must be maintained with the books and records of the trust. If a person fails to present a claim in writing within ninety (90) days from the date of first publication, that person shall be forever barred from asserting or recovering on the claim from the trustee, the trust property and the creditors and beneficiaries of the trust. A person who presents a claim on or before ninety (90) days from first publication may not later increase the claim following the expiration of the ninety-day period.

(D) In addition to subsection (a)(6)(B) and (a)(6)(C), if a claim is not presented in writing to the personal representative of the settlor's estate or to the trustee: (i) within six (6) months from the date of the appointment of the initial personal representative of the settlor's estate; or (ii) if no personal representative is appointed within six (6) months from the settlor's date of death and a claim is not presented in writing to the trustee within six (6) months from the settlor's date of death, a trustee is not chargeable for any assets that the trustee may pay or distribute in good faith in satisfaction of any lawful claims, expenses, or taxes or to any beneficiary before the claim was presented. A payment or distribution of assets by a trustee is deemed to have been made in good faith unless the creditor can prove that the trustee had actual knowledge of the claim at the time of the payment or distribution. The six-month period shall not be interrupted or affected by the death, resignation, or removal of a trustee, except that the time during which there is no trustee in office shall not be counted as part of the period.

(E) A claim presented to the trustee under subsection (a)(6)(B) or (a)(6)(C) must contain substantially the same information as required in Section 91-7-149.

(F) The provisions of Section 91-7-261 detailing the priority of payment of claims, expenses, and taxes from the probate estate of a decedent apply to a revocable trust to the extent the assets of the settlor's probate estate are inadequate and the personal representative or creditor or taxing authority of the settlor's estate has perfected its right to collect from the settlor's revocable trust.

(G) If a personal representative has been appointed for the settlor's estate, assets of the trust shall abate pari passu with assets of the settlor's estate. If no personal representative has been appointed for the settlor's estate, assets of the trust shall abate in the same order of preference as would apply to a decedent's estate.

(H) Nothing in this paragraph (6) obligates a trustee to seek appointment of a personal representative of a settlor's estate, and a trustee is not liable to any beneficiary or other third party for failure to do so.

(b) For purposes of this section during the period a power of withdrawal may be exercised or upon the lapse, release, or waiver of the power, the holder is treated as the settlor of the trust only to the extent the value of the property affected by the lapse, release, or waiver exceeds the greater of:

(1) The amount specified in Section 2041(b)(2) or 2514(e) of the Internal Revenue Code of 1986 (26 U.S.C. Section 2041(b)(2) and Section 2514(e));

(2) If the donor of the property subject to holder's power of withdrawal is not married at the time of the transfer of property to the trust, the amount specified in Section 2503(b) of the Internal Revenue Code of 1986 (26 U.S.C. Section 2503(b)); or

(3) If the donor of the property subject to holder's power of withdrawal is married at the time of the transfer of property to the trust, twice the amount specified in Section 2503(b) of the Internal Revenue Code of 1986 (26 U.S.C. Section 2503(b)).

(4) A power to withdraw is not considered to exceed the greater of the amounts specified in subsection (b)(1) through (3)

if the amount subject to a withdrawal right granted to the holder in any calendar year does not exceed the greater of such amounts even if the total amount subject to the holder's power to withdraw exceeds the greater of such amounts in any subsequent calendar year.

(5) Except to the extent provided in this subsection (b), a person who is the holder of a power of withdrawal is not considered a settlor of the trust by failing to exercise the power of withdrawal, releasing the power of withdrawal, or waiving the power of withdrawal.

(c) For purposes of subsection (a)(2), the following are not considered an amount that may be distributed to or for the settlor's benefit:

(1) The power of a trustee of an irrevocable trust, whether arising under the trust agreement or any other provision of law, to make a distribution to or for the benefit of a settlor for the purpose of reimbursing the settlor in an amount equal to any income taxes payable on any portion of the trust principal and income that are includable in the settlor's personal income under applicable law, as well as distributions made by the trustee under such authority; and

(2) The power of the settlor to exercise any of the powers described in Section 675 of the Internal Revenue Code of 1986 (26 U.S.C. Section 675).

(d) Property contributed to the following trusts is not considered to have been contributed by the settlor, and a person who would otherwise be treated as a settlor or deemed settlor of the following trusts may not be treated as a settlor:

(1) An irrevocable inter vivos marital trust if:

(A) The settlor is a beneficiary of the trust after the death of the settlor's spouse; and

(B) The trust is treated as:

(i) Qualified terminable interest property under Section 2523(f), Internal Revenue Code of 1986; or

(ii) A general power of appointment trust under Section 2523(e), Internal Revenue Code of 1986;

(2) An irrevocable inter vivos trust of which the settlor's spouse is a beneficiary if the settlor is a beneficiary of the trust after the death of the settlor's spouse; or

(3) An irrevocable trust for the benefit of any person to the extent that the property of the trust was subject to a power of appointment in another person, whether the settlor's interest was created by the lapse or exercise of such power.

The effect of this subsection (d) shall be that the power of a trustee, and any benefit resulting to the settlor, whether arising under the trust agreement or any other provision of the law, to make a distribution to or for the benefit of a settlor or to otherwise permit the settlor to use or benefit from trust property following the death of the settlor's spouse, shall not be considered an amount that may be distributed to or for the settlor's benefit for purposes of subsection (a)(2).

(e) A beneficiary is not considered to be a settlor, to have made a voluntary or involuntary transfer of the beneficiary's interest in the trust, or to have the power to make a voluntary or involuntary transfer of the beneficiary's interest in the trust, merely because the beneficiary holds, exercises, waives, releases, or allows to lapse:

(1) A presently exercisable power to:

(A) Consume, invade, appropriate, or distribute property to or for the benefit of the beneficiary, if the power is:

(i) Exercisable only on consent of another person holding an interest adverse to the beneficiary's interest; or

(ii) Limited by an ascertainable standard, including health, education, support, or maintenance of the beneficiary; or

(B) Appoint any property of the trust to or for the benefit of a person other than the beneficiary, a creditor of the beneficiary, the beneficiary's estate, or a creditor of the beneficiary's estate;

(2) A testamentary power of appointment; or

(3) A presently exercisable right described by subsection (b).

(f) For purposes of subsection (a)(2) and subsection (g), a person who becomes a beneficiary of a trust due to the exercise of a power of appointment by someone other than such person shall not be considered a settlor of the trust.

(g) (1) Notwithstanding Section 15-3-115, no person shall bring an action with respect to a transfer of property to a spendthrift trust if the person is a creditor when the transfer is made, unless the action is commenced within the later of two (2) years after the transfer is made or six (6) months after the person discovers or reasonably should have discovered the transfer; and

(2) If subsection (g)(1) applies:

(A) A person is deemed to have discovered the existence of a transfer at the time any public record is made of the transfer, including, but not limited to, a conveyance of real property that is recorded in the office of the county register of deeds of the county in which the property is located or the filing of a financing statement Uniform Commercial Code, or the equivalent recording or filing of either with the appropriate person or official under the laws of a jurisdiction other than this state;

(B) A creditor cannot bring an action with respect to a transfer of property to a spendthrift trust unless that creditor proves by clear and convincing evidence that the settlor's transfer to the trust was made with the intent to defraud that specific creditor; and

(i) Notwithstanding any law to the contrary, a creditor or any other person does not have a claim or cause of action against the trustee, other fiduciary, or an advisor of a spendthrift trust if that claim or cause of action is based in any way on any person making use of the benefits of this subsection (g);

(ii) For purposes of subsection (g)(2)(B), an advisor of a spendthrift trust includes, but is not limited to, any person involved in the counseling, drafting, preparation, execution or funding of a spendthrift trust;

(iii) For purposes of subsection (g)(2)(B)(i), counseling, drafting, preparation, execution or funding of a spendthrift trust includes the counseling, drafting, preparation, execution and funding of a limited partnership, a limited liability company or any other type of entity if interests in the limited partnership, limited liability company or other entity are subsequently transferred to a spendthrift trust;

(3) Notwithstanding subsection (g)(2)(B), in the same manner as provided other than by this section to trusts in general, a beneficiary, settlor, cotrustee, trust advisor or trust protector retains the right to bring a claim against a trustee or against another cotrustee, trust advisor, trust protector or any of their predecessors; however, no such claim shall arise solely

because a person used, or attempted to use, the benefits of this subsection (g);

(4) If more than one (1) transfer of property is made to a spendthrift trust, the subsequent transfer of property to the spendthrift trust shall be disregarded for the purpose of determining whether a person may bring an action under this subsection (g) with respect to a prior transfer of property to the spendthrift trust; any distribution to a beneficiary from the spendthrift trust shall be deemed to have been made from the most recent transfer made to the spendthrift trust;

(5) With the exception of a claim brought under subsection (g)(3), notwithstanding any other law, no action of any kind, including, without limitation, an action to enforce a judgment entered by a court or other body having adjudicative authority, shall be brought at law or in equity against the trustee, other fiduciary or advisor of a spendthrift trust if, as of the date the action is brought, an action by a creditor with respect to a transfer of property to the spendthrift trust would be barred under this subsection (g); and

(6) This subsection (g) shall not abridge the rights of a creditor, to the extent otherwise provided by this section, to reach the maximum amount that can be distributed to or for the settlor's benefit under a spendthrift trust.

SECTION 63. The following shall be codified as Section 91-8-505, Mississippi Code of 1972:

91-8-505. **Distributions relative to support, mandatory and certain remainder interests.** (a) Relative to a support interest, whether or not a trust contains a spendthrift provision:

(1) Although a beneficiary of a support interest has enforceable rights under Section 91-8-814, those rights do not raise the beneficiary's support interest to the level of a property interest;

(2) No creditor or assignee shall reach that support interest until a distribution from the support interest is actually made to the beneficiary;

(3) After all or a portion of a support interest is distributed to the beneficiary, no portion of the distribution made from the support interest shall be reached by a creditor or assignee of the beneficiary except to the extent that the distribution made from the support interest exceeds the amount necessary for the health, education, maintenance and support of the beneficiary who received the distribution made from the support interest;

(4) In the case of a beneficiary who holds a support interest, the use or enjoyment of property belonging to the trust by that beneficiary shall not be transferred and shall not be reached by creditors or assignees of that beneficiary;

(5) Regardless of whether a beneficiary has any outstanding creditors or assignees, a trustee or other fiduciary of a support interest may directly pay any expense on behalf of

the beneficiary and may exhaust the income and principal of the trust for the benefit of the beneficiary; and

(6) A trustee or other fiduciary is not liable to any creditor or assignee for paying the expenses of a beneficiary of a support interest.

(b) Relative to a mandatory interest, whether or not a trust contains a spendthrift provision:

(1) While a court may order a trustee or other fiduciary to distribute a past-due mandatory distribution to its beneficiary, no court shall order a trustee or other fiduciary to distribute such past-due mandatory distribution directly to a creditor or assignee;

(2) Regardless of whether a beneficiary has any outstanding creditors or assignees, a trustee or other fiduciary of a mandatory interest may directly pay any expense on behalf of the beneficiary and may exhaust the income and principal of the trust for the benefit of the beneficiary;

(3) A trustee or other fiduciary is not liable to any creditor or assignee for paying the expenses of a beneficiary of a mandatory interest.

(c) Although a remainder interest may be an enforceable right, where it is not absolutely certain based on the language of the trust that the remainder interest will be distributed within one (1) year, it shall not be classified as a property interest. This subsection (c) does not affect eligibility for any public assistance program administered by the Department of Human Services.

SECTION 64. The following shall be codified as Section 91-8-506, Mississippi Code of 1972:

91-8-506. **Personal obligations of trustee.** Trust property is not subject to personal obligations of the trustee, even if the trustee becomes insolvent or bankrupt.

SECTION 65. The following shall be codified as Section 91-8-507, Mississippi Code of 1972:

91-8-507. **Removal or replacement power over trustee or other fiduciary not reachable by holder's creditors; interests of beneficiary who is also a trustee or other fiduciary not reachable.** (a) A creditor or assignee of a beneficiary does not have the power to reach an interest of a beneficiary or any other person who holds an unconditional or conditional removal or replacement power over a trustee or other fiduciary. Such power over a trustee or other fiduciary is personal to the holder and shall not be exercised by the holder's creditors. No court shall direct a holder to exercise the power.

(b) Subject to Section 91-8-504(b)(3):

(1) A creditor or assignee of a beneficiary may not reach an interest of a beneficiary who is also a trustee, cotrustee or other fiduciary, or otherwise compel a distribution because the beneficiary is then serving as a trustee, cotrustee or other fiduciary; and

(2) A court may not foreclose against a beneficiary's interest described in subsection (a).

SECTION 66. The following shall be codified as Section 91-8-508, Mississippi Code of 1972:

91-8-508. **Judicial foreclosure of beneficial interests, powers of appointment, and reserved powers prohibited; certain reaches prohibited.** Regardless of whether a trust contains a spendthrift provision:

(1) No beneficial interest, power of appointment, or reserved power in a trust shall be judicially foreclosed.

(2) Trust property subject to a power of appointment is not subject to the claims of the creditors of the holder of the power of appointment or to any permitted appointee unless and until such trust property is distributed pursuant to the exercise of such power of appointment and then only to the extent of the claims of the creditors of the appointee.

(3) A creditor or an assignee of a beneficiary of a residuary interest in a trust has no interest in trust property until trust property is actually distributed to such assignee of the residuary interest and therefore trust property is not subject to claims of a creditor of the assignee.

(4) A power of appointment is not a property interest.

SECTION 67. The following shall be codified as Section 89-22-1, Mississippi Code of 1972:

89-22-1. **Short title.** This chapter may be cited as the "Mississippi Uniform Disclaimer of Property Interests Act (2002/2010)."

SECTION 68. The following shall be codified as Section 89-22-3, Mississippi Code of 1972:

89-22-3. **Definitions.** In this chapter:

(1) "Disclaimant" means the person to whom a disclaimed interest or power would have passed had the disclaimer not been made.

(2) "Disclaimed interest" means the interest that would have passed to the disclaimant had the disclaimer not been made.

(3) "Disclaimer" means the refusal to accept an interest in or power over property.

(4) "Fiduciary" means a personal representative, trustee, agent acting under a power of attorney, or other person authorized to act as a fiduciary with respect to the property of another person.

(5) "Jointly held property" means property held in the name of two (2) or more persons under an arrangement in which all holders have concurrent interests and under which the last-surviving holder is entitled to the whole of the property. Jointly held property does not include property held as tenants by the entirety.

(6) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company,

association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity.

(7) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band or an Alaskan native village that is recognized by federal law or formally acknowledged by a state.

(8) "Trust" means:

(A) An express trust, charitable or noncharitable, with additions thereto, whenever and however created; and

(B) A trust created under a statute, judgment, or decree that requires the trust to be administered in the manner of an express trust.

SECTION 69. The following shall be codified as Section 89-22-5, Mississippi Code of 1972:

89-22-5. **Scope.** This chapter applies to disclaimers of any interest in or power over property, whenever created.

SECTION 70. The following shall be codified as Section 89-22-7, Mississippi Code of 1972:

89-22-7. **Chapter supplemented by other law.** (a) Unless displaced by a provision of this chapter, the principles of law and equity supplement this chapter.

(b) This chapter does not limit any right of a person to waive, release, disclaim, or renounce an interest in or power over property under a law other than this chapter.

SECTION 71. The following shall be codified as Section 89-22-9, Mississippi Code of 1972:

89-22-9. **Power to disclaim; general requirements; when irrevocable.** (a) A person may disclaim, in whole or part, any interest in or power over property, including a power of appointment. A person may disclaim the interest or power even if its creator imposed a spendthrift provision or similar restriction on transfer or a restriction or limitation on the right to disclaim.

(b) Except to the extent a fiduciary's right to disclaim is expressly restricted or limited by another statute of this state or by the instrument creating the fiduciary relationship, a fiduciary may disclaim, in whole or part, any interest in or power over property, including a power of appointment, whether acting in a personal or representative capacity. A fiduciary may disclaim the interest or power even if its creator imposed a spendthrift provision or similar restriction on transfer or a restriction or limitation on the right to disclaim, or an instrument other than the instrument that created the fiduciary relationship imposed a restriction or limitation on the right to disclaim.

(c) To the extent there is no material conflict of interest, a parent, as defined in Section 93-15-103(h), can disclaim on behalf of the parent's minor or incapacitated child, if a conservator or guardian has not been appointed for the child.

(d) To be effective, a disclaimer must be in a writing or other record, declare the disclaimer, describe the interest or power disclaimed, be signed by the person making the disclaimer, and be delivered or filed in the manner provided in Section 89-22-25. In this subsection "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(e) A partial disclaimer may be expressed as a fraction, percentage, monetary amount, term of years, limitation of a power, or any other interest or estate in the property.

(f) A disclaimer becomes irrevocable when it is delivered or filed under Section 89-22-25 or when it becomes effective as provided in Sections 89-22-11 through 89-22-23 of this chapter, whichever occurs later.

(g) A disclaimer made under this chapter is not a transfer, assignment, or release.

(h) A person obligated to distribute an interest disclaimed under this chapter is not liable to any person for distributing the interest as if the interest were not disclaimed unless the person obligated to distribute the interest receives a copy of the disclaimer before distributing the interest.

SECTION 72. The following shall be codified as Section 89-22-11, Mississippi Code of 1972:

89-22-11. **Disclaimer of interest in property.** (a) In this section:

(1) "Future interest" means an interest that takes effect in possession or enjoyment, if at all, later than the time of its creation.

(2) "Time of distribution" means the time when a disclaimed interest would have taken effect in possession or enjoyment.

(b) Except for a disclaimer governed by Section 89-22-13, 89-22-15 or 89-22-17, the following rules apply to a disclaimer of an interest in property:

(1) The disclaimer takes effect as of the time the instrument creating the interest becomes irrevocable, or, if the interest arose under the law of intestate succession, as of the time of the intestate's death.

(2) The disclaimed interest passes according to any provision in the instrument creating the interest providing for the disposition of the interest, should it be disclaimed, or of disclaimed interests in general.

(3) If the instrument does not contain a provision described in paragraph (2), the following rules apply:

(A) If the disclaimant is not an individual, the disclaimed interest passes as if the disclaimant did not exist.

(B) If the disclaimant is an individual, except as otherwise provided in subparagraphs (C) and (D), the disclaimed interest passes as if the disclaimant had died immediately before the time of distribution.

(C) If by law or under the instrument, the descendants of the disclaimant would share in the disclaimed interest by any method of representation had the disclaimant died before the time of distribution, the disclaimed interest passes only to the descendants of the disclaimant who survive the time of distribution.

(D) If the disclaimed interest would pass to the disclaimant's estate had the disclaimant died before the time of distribution, the disclaimed interest instead passes by representation to the descendants of the disclaimant who survive the time of distribution. If no descendant of the disclaimant survives the time of distribution, the disclaimed interest passes to those persons, including the state but excluding the disclaimant, and in such shares as would succeed to the transferor's intestate estate under the intestate succession law of the transferor's domicile had the transferor died at the time of distribution. However, if the transferor's surviving spouse is living but is remarried at the time of distribution, the transferor is deemed to have died unmarried at the time of distribution.

(4) Upon the disclaimer of a preceding interest, a future interest held by a person other than the disclaimant takes effect as if the disclaimant had died or ceased to exist

immediately before the time of distribution, but a future interest held by the disclaimant is not accelerated in possession or enjoyment.

SECTION 73. The following shall be codified as Section 89-22-13, Mississippi Code of 1972:

89-22-13. **Disclaimer of rights of survivorship in jointly held property.** (a) Upon the death of a holder of jointly held property, a surviving holder may disclaim, in whole or in part, the incremental portion of the jointly held property devolving to the surviving holder by right of survivorship.

(b) A disclaimer under subsection (a) of this section takes effect as of the death of the holder of jointly held property to whose death the disclaimer relates.

(c) If a disclaimer is made under subsection (a) of this section with only one (1) holder surviving the death of the holder to whose death the disclaimer relates, the incremental portion disclaimed shall, as a consequence of the disclaimer, pass as part of the estate of the deceased holder.

(d) If a disclaimer is made under subsection (a) of this section with two (2) or more of the holders surviving the death of the holder to whose death the disclaimer relates:

(1) The disclaimer does not sever the joint tenancy with respect to the jointly held property as among the surviving holders;

(2) The incremental portion disclaimed, as a consequence of a disclaimer, devolves to the surviving holders in proportion to their respective interests in the jointly held property excluding the disclaimant and any other surviving holder who disclaims to the extent of his, her or its disclaimer of the incremental portion;

(3) An incremental portion devolving to a surviving holder, as a consequence of one or more disclaimers, may be disclaimed by the surviving holder;

(4) To the extent that all of the surviving holders disclaim an incremental portion devolving to them, the portion shall instead pass as part of the estate of the deceased holder; and

(5) The proportion of each of the surviving holders with respect to the jointly held property shall be adjusted to take into account the devolution of the incremental portion to the extent that the portion is disclaimed.

SECTION 74. The following shall be codified as Section 89-22-15, Mississippi Code of 1972:

89-22-15. **Disclaimer of property held as tenants by the entirety.** (a) The survivorship interest in property held as a tenancy by the entirety to which the survivor succeeds by operation of law upon the death of the cotenant may be disclaimed as provided in this chapter. For purposes of this chapter only, the deceased tenant's interest in property held as a tenancy by the entirety shall be deemed to be an undivided one-half (1/2) interest.

(b) A disclaimer under subsection (a) takes effect as of the death of the deceased tenant to whose death the disclaimer relates.

(c) The survivorship interest in property held as a tenancy by the entirety disclaimed by the surviving tenant passes as if the disclaimant had predeceased the tenant to whose death the disclaimer relates.

SECTION 75. The following shall be codified as Section 89-22-17, Mississippi Code of 1972:

89-22-17. **Disclaimer of interest by trustee.** (a) If a trustee disclaims an interest in property that otherwise would have become trust property:

(1) The interest does not become trust property;

(2) The disclaimer:

(A) Takes effect as of the time the trust became irrevocable; and

(B) Relates back for all purposes to the time the trust became irrevocable; and

(3) The disclaimed interest is not subject to the claims of any creditor of the trustee, the trust, or any trust beneficiary.

(b) If the instrument creating the disclaimed interest contains a provision that provides for the disposition of the interest if the interest were to be disclaimed, the disclaimed interest passes according to that provision.

(c) If the instrument creating the disclaimed interest does not contain a provision described by subsection (b), the disclaimed interest passes as if:

(1) All of the current beneficiaries, presumptive remainder beneficiaries, and contingent beneficiaries of the trust affected by the disclaimer who are individuals who died before the trust became irrevocable; and

(2) All beneficiaries of the trust affected by the disclaimer who are not individuals ceased to exist without successor organizations and without substitution of beneficiaries under the cy pres doctrine before the trust became irrevocable.

(d) Subsection (c) applies only for purposes of determining the disposition of an interest in property disclaimed by a trustee that otherwise would have become trust property and applies only with respect to the trust affected by the disclaimer. Subsection (c) does not apply with respect to other trusts governed by the instrument and does not apply for other purposes under the instrument or under the laws of intestacy.

SECTION 76. The following shall be codified as Section 89-22-19, Mississippi Code of 1972:

89-22-19. **Disclaimer of power of appointment or other power not held in fiduciary capacity.** If a holder disclaims a power of appointment or other power not held in a fiduciary capacity, the following rules apply:

(1) If the holder has not exercised the power, the disclaimer takes effect as of the time the instrument creating the power becomes irrevocable.

(2) If the holder has exercised the power and the disclaimer is of a power other than a presently exercisable general power of appointment, the disclaimer takes effect immediately after the last exercise of the power.

(3) The instrument creating the power is construed as if the power expired when the disclaimer became effective.

SECTION 77. The following shall be codified as Section 89-22-21, Mississippi Code of 1972:

89-22-21. **Disclaimer by appointee, object, or taker in default of exercise of power of appointment.** (a) A disclaimer of an interest in property by an appointee of a power of appointment takes effect as of the time the instrument by which the holder exercises the power becomes irrevocable.

(b) A disclaimer of an interest in property by an object or taker in default of an exercise of a power of appointment takes effect as of the time the instrument creating the power becomes irrevocable.

SECTION 78. The following shall be codified as Section 89-22-23, Mississippi Code of 1972:

89-22-23. **Disclaimer of power held in fiduciary capacity.** (a) If a fiduciary disclaims a power held in a fiduciary capacity which has not been exercised, the disclaimer takes effect as of the time the instrument creating the power becomes irrevocable.

(b) If a fiduciary disclaims a power held in a fiduciary capacity which has been exercised, the disclaimer takes effect immediately after the last exercise of the power.

(c) A disclaimer under this section is effective as to another fiduciary if the disclaimer so provides and the fiduciary disclaiming has the authority to bind the estate, trust, or other person for whom the fiduciary is acting.

SECTION 79. The following shall be codified as Section 89-22-35, Mississippi Code of 1972:

89-22-35. **Delivery or filing.** (a) In this section, "beneficiary designation" means an instrument, other than an instrument creating a trust, naming the beneficiary of:

(1) An annuity or insurance policy;

(2) An account with a designation for payment on death;

(3) A security registered in beneficiary form;

(4) A pension, profit-sharing, retirement, or other employment-related benefit plan; or

(5) Any other nonprobate transfer at death.

(b) Subject to subsections (c) through (l), delivery of a disclaimer may be effected by personal delivery, first-class mail, or any other method likely to result in its receipt.

(c) In the case of an interest created under the law of intestate succession or an interest created by will, other than an interest in a testamentary trust:

(1) A disclaimer must be delivered to the personal representative of the decedent's estate; or

(2) If no personal representative is then serving, it must be filed with a court having jurisdiction to appoint the personal representative.

(d) In the case of an interest in a testamentary trust:

(1) A disclaimer must be delivered to the trustee then serving, or if no trustee is then serving, to the personal representative of the decedent's estate; or

(2) If no personal representative is then serving, it must be filed with a court having jurisdiction to enforce the trust.

(e) In the case of an interest in an inter vivos trust:

(1) A disclaimer must be delivered to the trustee then serving;

(2) If no trustee is then serving, it must be filed with a court having jurisdiction to enforce the trust; or

(3) If the disclaimer is made before the time the instrument creating the trust becomes irrevocable, it must be delivered to the settlor of a revocable trust or the transferor of the interest.

(f) In the case of an interest created by a beneficiary designation which is disclaimed before the designation becomes irrevocable, the disclaimer must be delivered to the person making the beneficiary designation or to such person's legal representative.

(g) In the case of an interest created by a beneficiary designation which is disclaimed after the designation becomes irrevocable, the disclaimer must be delivered to the person obligated to distribute the interest.

(h) In the case of a disclaimer by a surviving holder of jointly held property or property held as tenants by the entirety, the disclaimer must be delivered to the person to whom the disclaimed interest passes.

(i) In the case of a disclaimer by an object or taker in default of exercise of a power of appointment at any time after the power was created:

(1) The disclaimer must be delivered to the holder of the power or to the fiduciary acting under the instrument that created the power; or

(2) If no fiduciary is then serving, it must be filed with a court having authority to appoint the fiduciary.

(j) In the case of a disclaimer by an appointee of a nonfiduciary power of appointment:

(1) The disclaimer must be delivered to the holder, the personal representative of the holder's estate or to the fiduciary under the instrument that created the power; or

(2) If no fiduciary is then serving, it must be filed with a court having authority to appoint the fiduciary.

(k) In the case of a disclaimer by a fiduciary of a power over a trust or estate, the disclaimer must be delivered as provided in subsection (c), (d) or (e), as if the power disclaimed were an interest in property.

(l) In the case of a disclaimer of a power by an agent, the disclaimer must be delivered to the principal or the principal's representative.

SECTION 80. The following shall be codified as Section 89-22-27, Mississippi Code of 1972:

89-22-27. **When disclaimer barred or limited.** (a) A disclaimer is barred by a written waiver of the right to disclaim.

(b) A disclaimer of an interest in property is barred if any of the following events occur before the disclaimer becomes effective:

(1) The disclaimant accepts the interest sought to be disclaimed;

(2) The disclaimant voluntarily assigns, conveys, encumbers, pledges, or transfers the interest sought to be disclaimed or contracts to do so; or

(3) A judicial sale of the interest sought to be disclaimed occurs.

(c) A disclaimer, in whole or part, of the future exercise of a power held in a fiduciary capacity is not barred by its previous exercise.

(d) A disclaimer, in whole or part, of the future exercise of a power not held in a fiduciary capacity is not barred by its previous exercise unless the power is exercisable in favor of the disclaimant.

(e) A disclaimer is barred or limited if so provided by law other than this chapter.

(f) A disclaimer of a power over property which is barred by this section is ineffective. A disclaimer of an interest in property which is barred by this section takes effect as a transfer of the interest disclaimed to the persons who would have taken the interest under this chapter had the disclaimer not been barred.

SECTION 81. The following shall be codified as Section 89-22-29, Mississippi Code of 1972:

89-22-29. **Tax-qualified disclaimer.** (a) Notwithstanding any other provision of this chapter, if as a result of a disclaimer or transfer, the disclaimed or transferred interest is treated under the provisions of Title 26 of the United States Code, as now or hereafter amended, or any successor statute thereto, and the regulations promulgated thereunder, as never having been transferred to the disclaimant, then the disclaimer or transfer is effective as a disclaimer under this chapter.

(b) In order for a disclaimer made under the provisions of this chapter to be effective as a tax-qualified disclaimer under the provisions of Title 26 of the United States Code, the disclaimer must satisfy the conditions of Title 26, Section 2518 of the United States Code, as now or hereafter amended, including the requirement that the disclaimer be made generally within nine (9) months from the day the interest being disclaimed was created.

SECTION 82. The following shall be codified as Section 89-22-31, Mississippi Code of 1972:

89-22-31. **Recording of disclaimer.** (a) A disclaimer of an interest in or relating to real property does not provide constructive notice to all persons unless the disclaimer contains a legal description of the real property to which the disclaimer relates and unless the disclaimer is filed for recording in the office of the chancery clerk of the county or counties where the real property is located.

(b) An effective disclaimer meeting the requirements of subsection (a) constitutes constructive notice to all persons from and after the time of filing.

(c) Failure to file, record, or register the disclaimer does not affect its validity as between the disclaimant and persons to whom the property interest or power passes by reason of the disclaimer.

SECTION 83. The following shall be codified as Section 89-22-33, Mississippi Code of 1972:

89-22-33. **Application to existing relationships.** Except as otherwise provided in Section 89-22-27, an interest in or power over property existing on the effective date of this chapter as to which the time for delivering or filing a disclaimer under law superseded by this chapter has not expired may be disclaimed after the effective date of this chapter.

SECTION 84. The following shall be codified as Section 89-22-29, Mississippi Code of 1972:

89-22-29. **Uniformity of application and construction.** In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

SECTION 85. The following shall be codified as Section 89-22-31, Mississippi Code of 1972:

89-22-31. **Severability clause.** If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

SECTION 86. Section 91-8-105, Mississippi Code of 1972, is amended as follows:

91-8-105. (a) Except as otherwise provided in the terms of the trust, this chapter governs the duties and powers of a trustee or any other fiduciary under this chapter, relations among trustees and such other fiduciaries, and the rights and interests of a beneficiary. The terms of a trust may expand, restrict, eliminate, or otherwise vary the duties and powers of a trustee, any such other fiduciary, relations among any of them, and the rights and interests of a beneficiary; however, nothing contained in this subsection shall be construed to override or nullify the provisions of subsection (b). The rule of statutory construction that statutes in derogation of the common law are to be strictly construed shall have no application to this section. Except as restricted by subsection (b), pursuant to this section, courts shall give maximum effect to the principal of freedom of disposition and to the enforceability of trust instruments.

(b) The terms of a trust prevail over any provision of this chapter except:

(1) The requirements for creating a trust;

(2) The duty of a trustee to act in good faith in accordance with the terms and purposes of the trust and the interests of the beneficiaries;

(3) The requirement that a trust and its terms be for the benefit of its beneficiaries as the interests of such beneficiaries are defined under the terms of the trust, and that the trust have a purpose that is lawful and possible to achieve;

(4) The power of the court to modify or terminate a trust under Sections 91-8-410 through 91-8-416;

(5) The effect of a spendthrift provision and the rights of certain creditors and assignees to reach a trust as provided in * * * Article 5 of the Uniform Trust Code (Title 91, Chapter 8, Article 5, Mississippi Code of 1972);

(6) The power of the court under Section 91-8-702 to require, dispense with, or modify or terminate a bond;

(7) The power of the court under Section 91-8-708(b) to adjust a trustee's compensation specified in the terms of the trust which is unreasonably low or high;

(8) Subject to subsection (d), the duty under Section 91-8-813(b) to notify beneficiaries of an irrevocable trust (including anyone who holds a power of appointment) who have attained twenty-five (25) years of age that the trust has been established as set forth in * * * Section 91-8-813(b);

(9) Subject to subsection (d), the duty under Section 91-8-813(a)(1) and (2) to keep the beneficiaries (including anyone who holds a power of appointment) informed and to respond to the request of a beneficiary of an irrevocable trust for trustee's reports and other information reasonably related to the administration of the trust;

(10) The effect of an exculpatory term under Section 91-8-1008;

(11) The rights under Sections 91-8-1010 through 91-8-1013 of a person other than a trustee or beneficiary;

(12) Periods of limitation for commencing a judicial proceeding;

(13) The power of the court to take such action and exercise such jurisdiction as may be necessary in the interests of justice; and

(14) The subject-matter jurisdiction of the court and venue for commencing a proceeding as provided in Sections 91-8-203 and 91-8-204.

(c) Any purpose enunciated as a material purpose of a trust in that trust's trust instrument shall be treated as a material purpose of that trust for all purposes of this chapter.

(d) Notwithstanding subsection (b)(8) and (9) of this section, the duties of a trustee to give notice, information and reports under Section 91-8-813(a) and (b) may be waived or modified in the trust instrument or by the settlor of the trust, or a trust protector or trust advisor that holds the power to so direct, directs otherwise in a writing delivered to the trustee in any of the following ways:

(1) By waiving or modifying such duties as to all qualified beneficiaries during the lifetime of the settlor or the settlor's spouse;

(2) By specifying a different age at which a beneficiary or class of beneficiaries must be notified under Section 91-8-813(b); or

(3) With respect to one or more of the beneficiaries, by designating a beneficiary surrogate to receive such notice, information and reports who will act in good faith to protect the interests of the beneficiary or beneficiaries.

SECTION 87. Sections 27-10-1, 27-10-3, 27-10-5, 27-10-7, 27-10-9, 27-10-11, 27-10-13, 27-10-15, 27-10-17, 27-10-19, 27-10-21, 27-10-23 and 27-10-25, Mississippi Code of 1972, which constitute the Uniform Estate Tax Apportionment Act, are repealed.

SECTION 88. Sections 89-21-1, 89-21-3, 89-21-5, 89-21-7, 89-21-9, 89-21-11, 89-21-13, 89-21-15 and 89-21-17, Mississippi Code of 1972, which constitute the Uniform Disclaimer of Property Interests Act, are repealed.

SECTION 89. Sections 91-9-501, 91-9-503, 91-9-505, 91-9-507, 91-9-509 and 91-9-511, Mississippi Code of 1972, which constitute the Family Trust Preservation Act of 1998, are repealed.

SECTION 90. Section 91-7-259, Mississippi Code of 1972, which provides for foreign fiduciaries and lawsuits and debts, is repealed.

SECTION 91. Sections 91-8-501 through 91-8-508, Mississippi Code of 1972, constitute Article 5 of the Uniform Trust Code.

SECTION 92. This act shall take effect and be in force from and after July 1, 2020.

Mississippi Legislature
2020 Regular Session

Senate Bill 2877

Description: Paternity; authorize written declaration to establish.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2020

History of Actions:

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 1  02/17   (S) Referred To Judiciary, Division A
 2  02/27   (S) Title Suff Do Pass
 3  03/10   (S) Amended
 4  03/10   (S) Passed As Amended {Vote}
 5  03/13   (S) Transmitted To House
 6  03/25   (H) Referred To Judiciary A
 7  06/09   (H) Title Suff Do Pass As Amended
 8  06/16   (H) Amended
 9  06/16   (H) Passed As Amended {Vote}
10  06/17   (H) Returned For Concurrence
11  06/22   (S) Decline to Concur/Invite Conf
12  06/22   (S) Conferees Named Doty,Branning,Boyd
13  06/27   (H) Conferees Named Cockerham,Watson,Hood
14  06/28   (S) Conference Report Filed
15  06/28   (H) Conference Report Filed
16  06/30   (S) Conference Report Adopted {Vote}
17  06/30   (H) Conference Report Adopted {Vote}
18  07/02   (S) Enrolled Bill Signed
19  07/02   (H) Enrolled Bill Signed
20  07/08   Approved by Governor
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Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2877

Conference Reports:
| Conference Report

Code Section: A 043-0019-0033, A 093-0009-0009, A 093-0009-0021

----- Additional Information -----

Senate Committee: Judiciary, Division A
House Committee: Judiciary A

Principal Author: Doty

Title: AN ACT TO AMEND SECTIONS 43-19-33, 93-9-9 AND 93-9-21, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN AFFIRMATION OF PATERNITY OF A DEPENDENT CHILD CAN BE ESTABLISHED BY DECLARATION WITH A COURT OF COMPETENT JURISDICTION; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Doty To: Judiciary, Division A

SENATE BILL NO. 2877
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 43-19-33, 93-9-9 AND 93-9-21, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN AFFIRMATION OF PATERNITY OF A DEPENDENT CHILD CAN BE ESTABLISHED BY DECLARATION WITH A COURT OF COMPETENT JURISDICTION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 43-19-33, Mississippi Code of 1972, is amended as follows:

43-19-33. (1) In lieu of legal proceedings instituted to obtain support for a dependent child from the responsible parent, a written stipulated agreement to support said child by periodic payments executed by the responsible parent when acknowledged before a clerk of the court having jurisdiction over such matters or a notary public and filed with and approved by the judge of * * * the court having jurisdiction over such matters shall have the same force and effect, retroactively and prospectively, in accordance with the terms of said agreement as an order of support entered by the court, and shall be enforceable and subject to modification in the same manner as is provided by law for orders of the court in such cases.

(2) In lieu of legal proceedings instituted to establish paternity, a written admission of paternity containing a stipulated agreement of support executed by the putative father of the dependent child, when accompanied by a written * * * declaration in support of establishing paternity * * * provided under penalty of perjury to the best of her knowledge, information and belief by the mother of the dependent child, when acknowledged by the putative father before a clerk of the court having jurisdiction over such matters or a notary public and filed with and approved by the judge of * * * the court having jurisdiction over such matters, shall have the same force and effect, retroactively and prospectively, in accordance with the terms of said agreement, as an order of filiation and support entered by the court, and shall be enforceable and subject to modification in the same manner as is provided by law for orders of the court in such cases.

(3) At any time after filing with the court having continuing jurisdiction of such matters of an acknowledgment of paternity in which a provision of support has not been entered, upon notice the defendant shall be required to appear in court at any time and place named therein, to show cause, if any he can, why the court should not enter an order for the support of the child by periodic payments. The order may include provisions for reimbursement for medical expenses incident to the pregnancy and the birth of the child, accrued maintenance and reasonable

expenses of the action under this subsection on the acknowledgment of paternity previously filed with said court. Notice by the department to the defendant shall be given by certified mail, restricted delivery, return receipt requested at his last known mailing address and without the requirement of a summons being issued, and shall be deemed complete as of the date of delivery as evidenced by the return receipt. The required notice may also be delivered by personal service in accordance with Rule 4 of the Mississippi Rules of Civil Procedure insofar as service of an administrative order or notice is concerned. Provided, that in the case of a child who, upon reaching the age of twenty-one (21) years, is mentally or physically incapable of self-support, the putative father shall not be relieved of the duty of support unless said child is a long-term patient in a facility owned or operated by the State of Mississippi. The prior judgment as to paternity shall be res judicata as to that issue and shall not be reconsidered by the court.

(4) Such agreements of support, acknowledgments, declarations and affirmations of paternity and support shall * * * be binding on the person executing the same whether he be an adult or a minor and may include provisions for the reimbursement of medical expenses incident to the pregnancy and birth of the child, accrued maintenance and reasonable expenses of any action previously filed before the court.

(5) In lieu of legal proceedings instituted to enforce an order for support, a written stipulated agreement for the provision of periodic payments towards an arrearage executed by the defendant when acknowledged before a clerk of the court having jurisdiction over such matters or a notary public and filed with and approved by the judge of *** * *** the court having jurisdiction over such matters shall have the same force and effect, retroactively and prospectively, in accordance with the terms of said agreement as a judgment for overdue support entered by the court, and shall be enforceable and subject to modification in the same manner as is provided by law for orders of the court in such cases.

(6) All agreements entered into under the provisions as set forth hereinabove shall be filed by the clerk of the court having jurisdiction over such matters in the county in which they are entered and filing fees shall be taxed to the responsible parent.

SECTION 2. Section 93-9-9, Mississippi Code of 1972, is amended as follows:

93-9-9. (1) Paternity may be determined upon the petition of the mother, or father, the child or any public authority chargeable by law with the support of the child; provided that such an adjudication after the death of the defendant must be made only upon clear and convincing evidence. If paternity has been lawfully determined, or has been acknowledged in writing according to the laws of this state, the liabilities of the noncustodial parent may be enforced in the same or other proceedings by the custodial parent, the child, or any public authority which has furnished or may furnish the reasonable expenses of pregnancy, confinement, education, necessary support and maintenance, and medical or funeral expenses for the custodial parent or the child. The trier of fact shall receive without the need for third-party foundation testimony certified, attested or sworn documentation as evidence of (a) childbirth records; (b) cost of filing fees; (c) court costs; (d) services of process fees; (e) mailing cost; (f) genetic tests and testing fees; (g) the department's attorney's fees; (h) in cases where the state or any of its entities or divisions have provided medical services to the child or the child's mother, all costs of prenatal care, birthing, postnatal care and any other medical expenses incurred by the child or by the mother as a consequence of the mother's pregnancy or delivery; and (i) funeral expenses. All costs and fees shall be ordered paid to the Department of Human Services in all cases successfully prosecuted with a minimum of Two Hundred Fifty Dollars ($250.00) in attorney's fees or an amount determined by the court without submitting an affidavit. Proceedings may be instituted at any time until such child attains the age of twenty-one (21) years unless the child has been emancipated as provided in Section 93-5-23 and Section 93-11-65. In the event of court-determined paternity, the surname of the child shall be that of the father, unless the judgment specifies otherwise.

(2) If the alleged father in an action to determine paternity to which the Department of Human Services is a party fails to appear for a scheduled hearing after having been served with process or subsequent notice consistent with the Rules of Civil Procedure, his paternity of the child(ren) shall be established by the court if * * * a written declaration in support of establishing paternity made under penalty of perjury to the best of her knowledge, information and belief by the mother averring the alleged father's paternity of the child has accompanied the complaint to determine paternity. * * * The written declaration shall constitute sufficient grounds for the court's finding of the alleged father's paternity without the necessity of the presence or testimony of the mother at the said hearing. The court shall, upon motion by the Department of Human Services, enter a judgment of paternity. Any person who shall willfully and knowingly file a false affidavit or who shall willfully, intentionally and knowingly file a false written declaration under penalty of perjury shall be subject to a fine of not more than One Thousand Dollars ($1,000.00).

(3) Upon application of both parents to the State Board of Health and receipt by the State Board of Health of a sworn acknowledgement of paternity executed by both parents subsequent to the birth of a child born out of wedlock, the birth certificate of the child shall be amended to show such paternity if paternity is not shown on the birth certificate. Upon request of the

parents for the legitimization of a child under this section, the surname of the child shall be changed on the certificate to that of the father.

(4) (a) A signed voluntary acknowledgment of paternity is subject to the right of any signatory to rescind the acknowledgment within the earlier of:

(i) One (1) year; or

(ii) The date of a judicial proceeding relating to the child, including a proceeding to establish a support order, in which the signatory is a party.

(b) After the expiration of the one-year period specified in subsection (4)(a)(i) of this section, a signed voluntary acknowledgment of paternity may be challenged in court only on the basis of fraud, duress or material mistake of fact, with the burden of proof upon the challenger; the legal responsibilities, including child support obligations, of any signatory arising from the acknowledgment may not be suspended during the pendency of the challenge, except for good cause shown.

(c) During the one-year time period specified in subsection (4)(a)(i) of this section, the alleged father may request genetic testing through the Department of Human Services in accordance with the provisions of Section 93-9-21.

(d) The one-year time limit, specified in subsection (4)(a)(i) of this section, for the right of the alleged father to rescind the signed voluntary acknowledgement of paternity shall be tolled from the date the alleged father files his formal application for genetic testing with the Department of Human Services until the date the test results are revealed to the alleged father by the department. After the one-year time period has expired, not including any period of time tolled for the purpose of acquiring genetic testing through the department, the provisions of subsection (4)(b) of this section shall apply.

SECTION 3. Section 93-9-21, Mississippi Code of 1972, is amended as follows:

93-9-21. (1) (a) In all cases brought pursuant to Title IV-D of the Social Security Act, upon * * * written declarations of the mother, putative father, or the Department of Human Services made under penalty of perjury to the best of his or her knowledge, information and belief alleging paternity, the department may issue an administrative order for paternity testing which requires the mother, putative father and minor child to submit themselves for paternity testing. The department shall send the putative father a copy of the Administrative Order and a Notice for Genetic Testing which shall include the date, time and place for collection of the putative father's genetic sample. The department shall also send the putative father a Notice and Complaint to Establish Paternity which shall specify the date and time certain of the court hearing by certified mail, restricted delivery, return receipt requested. Notice shall be deemed complete as of the date of delivery as evidenced by the return receipt. The required notice may also be delivered by personal service upon the putative father in accordance with Rule 4 of the Mississippi Rules of Civil Procedure insofar as service of an administrative order or notice is concerned.

(b) If the putative father does not submit to genetic testing, the court shall, without further notice, on the date and time previously set through the notice for hearing, review the documentation of the refusal to submit to genetic testing and make a determination as to whether the complaint to establish paternity should be granted. The refusal to submit to such testing shall create a rebuttable presumption of an admission to paternity by the putative father.

(c) In any case in which the Department of Human Services orders genetic testing, the department is required to advance costs of such tests subject to recoupment from the alleged father if paternity is established. If either party challenges the original test results, the department shall order additional testing at the expense of the challenging party.

(2) In any case in which paternity has not been established, the court, on its own motion or on motion of the plaintiff or the defendant, shall order the mother, the alleged father and the child or children to submit to genetic tests and any other tests which reasonably prove or disprove the probability of paternity. If paternity has been previously established, the court shall only order genetic testing pursuant to Section 93-9-10.

If any party refuses to submit to such tests, the court may resolve the question of paternity against such party or enforce its order for genetic testing as the rights of others and the interest of justice require.

(3) Any party calling a witness or witnesses for the purpose of testifying that they had sexual intercourse with the mother at any possible time of conception of the child whose paternity is in question shall provide all other parties with the name and address of the witness at least twenty (20) days before the trial. If a witness is produced at the hearing for the purpose provided in this subsection but the party calling the witness failed to provide the twenty-day notice, the court may adjourn the proceeding for the purpose of taking a genetic test of the witness before hearing the testimony of the witness if the court finds that the party calling the witness acted in good faith.

(4) The court shall ensure that all parties are aware of their right to request genetic tests under this section.

(5) (a) Genetic tests shall be performed by a laboratory selected from the approved list as prepared and maintained by the Department of Human Services.

(b) The Department of Human Services shall publicly issue a request for proposals, and such requests for proposals when issued shall contain terms and conditions relating to price, technology and such other matters as are determined by the department to be appropriate for inclusion or required by law.

After responses to the request for proposals have been duly received, the department shall select the lowest and best bid(s) on the basis of price, technology and other relevant factors and from such proposals, but not limited to the terms thereof, negotiate and enter into contract(s) with one or more of the laboratories submitting proposals. The department shall prepare a list of all laboratories with which it has contracted on these terms. The list and any updates thereto shall be distributed to all chancery clerks. To be eligible to appear on the list, a laboratory must meet the following requirements:

(i) The laboratory is qualified to do business within the State of Mississippi;

(ii) The laboratory can provide test results in less than fourteen (14) days; and

(iii) The laboratory must have participated in the competitive procurement process.

SECTION 4. This act shall take effect and be in force from and after July 1, 2020.

Mississippi Legislature
2020 Regular Session

Senate Bill 3044

Description: Equity in Distance Learning Act; enact.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: None
Revenue: No
Vote type required: Majority
Effective date: Passage
Suspension measure: HC 69

History of Actions:

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 1  06/17  Suspend from Deadlines by HC 69
 2  06/17  (S) Referred To Education
 3  06/17  (S) Title Suff Do Pass
 4  06/18  (S) Amended
 5  06/18  (S) Passed As Amended {Vote}
 6  06/19  (S) Motion to Reconsider Entered
 7  06/22  (S) Motion to Reconsider Tabled
 8  06/23  (S) Transmitted To House
 9  06/23  (H) Referred To Rules
10  07/01  (H) Title Suff Do Pass As Amended
11  07/01  (H) Amended
12  07/01  (H) Passed As Amended {Vote}
13  07/01  (H) Immediate Release
14  07/01  (H) Returned For Concurrence
15  07/01  (S) Concurred in Amend From House {Vote}
16  07/01  (S) Immediate Release
17  07/02  (S) Enrolled Bill Signed
18  07/02  (H) Enrolled Bill Signed
19  07/08  Law W/out Governor's Signature
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Amendments:
[S] Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 2 ***Adopted*** Voice Vote
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 1 to Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 3044

Code Section: A 031-0007-0013

----- Additional Information -----

Senate Committee: Education
House Committee: Rules

Principal Author: DeBar
Additional Authors: Barnett, Blackwell, Blount, Boyd, Branning, Butler, Carter, Caughman, Chassaniol, Chism, DeLano, Doty, Fillingane, Frazier, Harkins, Hopson, Horhn, Jackson (11th), Jackson (15th), Jackson (32nd), Johnson, Jordan, Kirby, McCaughn, McLendon, McMahan, Michel, Moran, Norwood, Parker, Seymour, Simmons (12th), Simmons (13th), Sparks, Suber, Tate, Thomas, Thompson, Turner-Ford, Whaley, Wiggins, Witherspoon, Younger

Title: AN ACT TO ESTABLISH THE "EQUITY IN DISTANCE LEARNING ACT" TO BE ADMINISTERED BY THE MISSISSIPPI DEPARTMENT OF EDUCATION TO PROVIDE GUIDANCE, TECHNICAL SUPPORT AND FINANCIAL REIMBURSEMENT TO SCHOOLS TO PROVIDE DISTANCE LEARNING AND ONLINE SERVICES; TO PROVIDE FOR CERTAIN TRANSFERS BY THE STATE FISCAL OFFICER; TO STATE LEGISLATIVE FINDINGS AND INTENT; TO DEFINE TERMS; TO ESTABLISH THE "EQUITY IN DISTANCE LEARNING GRANT PROGRAM"; TO PROVIDE THAT ALLOCATIONS UNDER THE PROGRAM SHALL BE MADE BASED ON AVERAGE DAILY MEMBERSHIP; TO HIGHLY ENCOURAGE EACH SCHOOL TO COMMIT A PORTION OF ITS FEDERAL ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF (ESSER) FUNDS TO PURCHASE EQUIPMENT FOR ITS DISTANCE LEARNING PLAN; TO REQUIRE THE DEPARTMENT TO INFORM EACH SCHOOL OF ITS PORTION OF AVAILABLE FUNDS, TO DEVELOP REGULATIONS AND PROCEDURES TO GOVERN THE GRANT PROGRAM, AND TO COMPILE AN EXPRESS PRODUCTS LIST; TO PRESCRIBE THE ELIGIBILITY REQUIREMENTS FOR SCHOOLS TO BE REIMBURSED UNDER THE GRANT PROGRAM; TO CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN AS THE "EQUITY IN DISTANCE LEARNING FUND"; TO AMEND SECTION 31-7-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PURCHASES UNDER THE GRANT PROGRAM CREATED UNDER THIS ACT AND THE DIRECTIVE THAT SCHOOL DISTRICTS CREATE A DISTANCE LEARNING PLAN AND FULFILL TECHNOLOGY NEEDS EXPEDITIOUSLY SHALL BE DEEMED AN EMERGENCY PURCHASE FOR PURPOSES OF THE PROCUREMENT AND COMPETITIVE BIDDING LAW; TO PROVIDE THAT THE PROVISIONS OF THIS ACT ARE SEVERABLE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) DeBar, Barnett, Blackwell, Blount, Boyd, Branning, Butler, Carter, Caughman, Chassaniol, Chism, DeLano, Doty, Fillingane, Frazier, Harkins, Hopson, Horhn, Jackson (11th), Jackson (15th), Jackson (32nd), Johnson, Jordan, Kirby, McCaughn, McLendon, McMahan, Michel, Moran, Norwood, Parker, Seymour, Simmons (12th), Simmons (13th), Sparks, Suber, Tate, Thomas, Thompson, Turner-Ford, Whaley, Wiggins, Witherspoon, Younger

To: Education

SENATE BILL NO. 3044
(As Sent to Governor)

AN ACT TO ESTABLISH THE "EQUITY IN DISTANCE LEARNING ACT" TO BE ADMINISTERED BY THE MISSISSIPPI DEPARTMENT OF EDUCATION TO PROVIDE GUIDANCE, TECHNICAL SUPPORT AND FINANCIAL REIMBURSEMENT TO SCHOOLS TO PROVIDE DISTANCE LEARNING AND ONLINE SERVICES; TO PROVIDE FOR CERTAIN TRANSFERS BY THE STATE FISCAL OFFICER; TO STATE LEGISLATIVE FINDINGS AND INTENT; TO DEFINE TERMS; TO ESTABLISH THE "EQUITY IN DISTANCE LEARNING GRANT PROGRAM"; TO PROVIDE THAT ALLOCATIONS UNDER THE PROGRAM SHALL BE MADE BASED ON AVERAGE DAILY MEMBERSHIP; TO HIGHLY ENCOURAGE EACH SCHOOL TO COMMIT A PORTION OF ITS FEDERAL ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF (ESSER) FUNDS TO PURCHASE EQUIPMENT FOR ITS DISTANCE LEARNING PLAN; TO REQUIRE THE DEPARTMENT TO INFORM EACH SCHOOL OF ITS PORTION OF AVAILABLE FUNDS, TO DEVELOP REGULATIONS AND PROCEDURES TO GOVERN THE GRANT PROGRAM, AND TO COMPILE AN EXPRESS PRODUCTS LIST; TO PRESCRIBE THE ELIGIBILITY REQUIREMENTS FOR SCHOOLS TO BE REIMBURSED UNDER THE GRANT PROGRAM; TO CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN AS THE "EQUITY IN DISTANCE LEARNING FUND"; TO AMEND SECTION 31-7-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PURCHASES UNDER THE GRANT PROGRAM CREATED UNDER THIS ACT AND THE DIRECTIVE THAT SCHOOL DISTRICTS CREATE A DISTANCE LEARNING PLAN AND FULFILL TECHNOLOGY NEEDS EXPEDITIOUSLY SHALL BE DEEMED AN EMERGENCY PURCHASE FOR PURPOSES OF THE PROCUREMENT AND COMPETITIVE BIDDING LAW; TO PROVIDE THAT THE PROVISIONS OF THIS ACT ARE SEVERABLE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This act shall be known and may be cited as the "Equity in Distance Learning Act."

SECTION 2. (1) Upon the effective date of this act, the State Fiscal Officer shall transfer Three Hundred Thousand Dollars ($300,000.00) to the Equity in Distance Learning Fund, created in Section 8 of this act, out of the Budget Contingency Fund. The department shall spend the funds under this subsection (1) to assist with technology upgrades to the Mississippi Student Information System (MSIS) to support schools with the implementation of their individual digital learning plans to mitigate the impact of COVID-19.

(2) Upon the effective date of this act, the State Fiscal Officer shall transfer One Hundred Twenty-nine Million Seven Hundred Thousand Dollars ($129,700,000.00) to the Equity in Distance Learning Fund, created in Section 8 of this act, out of the Budget Contingency Fund. The department shall allocate the funds under this subsection (2) to the schools pursuant to Section 5(2) of this act.

(3) Upon the effective date of this act, the State Fiscal Officer shall transfer Twenty Million Dollars ($20,000,000.00) to the Equity in Distance Learning Fund, created in Section 8 of this act, out of the Budget Contingency Fund. The department shall allocate the funds under this subsection (3) to the schools according to the schools' needs assessment responses.

SECTION 3. (1) The Mississippi Legislature finds the following:

(a) The State of Emergency and ongoing public health crisis related to COVID-19 requires all schools to plan and implement distance learning programs, and plan to facilitate safe classroom and remote instruction;

(b) The availability of unprecedented federal funding for distance learning has created a unique opportunity for schools to provide all students and teachers with better access to technology to enhance traditional classroom teaching; and

(c) In recognition that every school's technology needs are different, this act establishes the Equity in Distance Learning Grant Program to require the Mississippi Department of Education and schools to expend funds on eligible expenses, within the relevant statutory provisions of this act and the regulations promulgated, in order to assist schools in expeditiously implementing distance learning programs and facilitating safe classroom and remote instruction.

(2) Therefore, the intent of the Mississippi Legislature is:

(a) To provide funding for devices and other technology, including technology related to connectivity and online access, sufficient for students, teachers, and administrators and other staff to engage in grade-appropriate distance learning aligned with the state's College and Career Readiness Standards, and provide funding for safe classroom or remote instruction; and

(b) To provide funding for technical support and professional development to facilitate distance learning and safe classroom or remote instruction.

SECTION 4. For purposes of this act, the following words shall have the meanings ascribed herein unless the context otherwise requires:

(a) "Grant program" means the Equity in Distance Learning Grant Program established in this act.

(b) "Department" means the Mississippi Department of Education.

(c) "School" means public school districts, agricultural high schools, the Mississippi School for the Deaf and Blind, the Mississippi School of the Arts and the Mississippi School for Mathematics and Science and public charter schools.

(d) "COVID-19" means the Coronavirus Disease 2019.

(e) "State of Emergency" means the State of Emergency declared by Executive Order of the Governor of the State of Mississippi on March 14, 2020, and any amendments thereto or subsequent orders or amendments thereto.

(f) "Express Product List" or "EPL" means the compilation of vendors and products adopted by the department for use by schools for the purchase of devices, software, online tools, and other equipment and technology necessary to support distance learning.

(g) "Learning management system" means a software application for the administration, documentation, tracking, reporting, automation and delivery of educational courses, training programs, or learning and development programs.

(h) "Eligible expenses" means a cost incurred by a school, pursuant to this act, to facilitate or enhance distance learning capabilities under its distance learning plan, including:

(i) The purchase of laptop computers, tablets, assisted learning devices or other devices which can be used personally by a student or teacher in their home or in the classroom;

(ii) The purchase of learning management systems, software and other online tools;

(iii) The purchase and installation of hardware to provide for or enhance the internet connectivity of a school's students, including the cost of establishing personal or centrally located hotspots;

(iv) The enhancement of security related to devices or connectivity to comply with state and federal law, and to protect students, teachers and administrators and other staff working within the school;

(v) The delivery of professional development related to use of devices, connectivity and other relevant components of distance learning for teachers, students and the wider community, including parents or guardians of students enrolled in the school; and

(vi) Materials or equipment necessary to increase health and safety precautions in classrooms or other school facilities.

SECTION 5. (1) There is established the Equity in Distance Learning Grant Program which shall be administered by the department for the purpose of reimbursing schools for eligible expenses incurred in funding their distance learning plans, and in facilitating safe classroom and remote instruction.

(2) Subject to appropriations by the Legislature, allocations to schools shall be made based on average daily membership, as defined in Section 37-151-5 and as calculated in the 2019-2020 school year. For any school not funded under the Mississippi Adequate Education Program, the department shall calculate the average-daily-membership equivalent or fund the school based on enrollment.

(3) Subject to the provisions of this act, and other applicable federal law and regulations, schools shall have the authority to use the funds provided in this grant program in a way which best facilitates their distance learning plan, and safe classroom or remote instruction.

(4) Schools are highly encouraged to commit a portion of their federal ESSER funds, above the amount required by Section 7(b) of this act, as supplemental matching funds to offset the

total cost of purchasing sufficient electronic devices, technological supports and systems of service for its distance learning plan.

SECTION 6. (1) The department shall:

(a) Inform each school of its portion of the funds appropriated to this grant program as provided for in Section 5(2) of this act;

(b) Develop regulations and procedures to govern the administration of this grant program, to include:

(i) A reimbursement process for schools to submit expenditures and receive reimbursement for eligible expenses from the department up to the total amount allocated to each school in Section 5 of this act;

(ii) Provide guidance to schools in the development of a technology sustainability plan, addressing how devices and other technology purchased and used by the school district, and students, teachers and other administrators and staff, will be maintained throughout their usage and replaced before the expiration of the term of their expected useful life;

(iii) Provide guidance to schools in the development of a responsible use policy for students, teachers and administrators or other staff to govern the use of devices and other technology purchased under this grant program;

(c) Provide guidance to schools on the development and implementation of a distance learning plan;

(d) Solicit bid proposals from vendors to establish an EPL; and

(e) Seek an emergency exemption from the procurement laws and bidding procedures established in Section 31-7-13 to expedite the compilation of an EPL and to minimize the cost of relevant devices or other technology for school districts through bulk purchasing.

(2) The department may:

(a) Revise the adopted EPL based upon purchasing demands as needed to provide schools with choice in the selection of the electronic devices; and

(b) Use the federal ESSER funds set aside for administration of the program to administer this grant program, to the extent permissible under federal law.

SECTION 7. To be eligible under this grant program, a school shall:

(a) Prioritize first the purchase of products listed in Section 4(h)(i) of this act. Schools shall equip every student with a grade-appropriate device, as recommended by the department, before incurring the other expenses listed in Section 4(h)(ii) or (iii) of this act, which shall receive next priority after the products listed in Section 4(h)(i) of this act;

(b) Match twenty percent (20%) of the funds received under this grant program with monies received by the school from the Elementary and Secondary School Emergency Relief Fund or any funds made available to a school district or charter school for such purposes from any federal, state, public or private entity;

(c) Purchase products from vendors listed on the EPL, if using funds under this grant program, unless the school can demonstrate, to the department, that the products it purchases from vendors not listed on the EPL:

(i) Meet or exceed the technological specification and functionality required by the department; and

(ii) Can be purchased at a price that is less than any of the prices listed on the EPL for a comparable product;

(d) Submit the original, itemized receipt of purchase or an authentic copy of the receipt with its request for reimbursement;

(e) Secure insurance and submit proof of insurance for any items to be reimbursed under this program;

(f) Develop and submit to the department, by September 1, 2020:

(i) A distance learning plan, establishing an appropriate and achievable plan by the school to develop, implement and maintain distance learning capabilities with a focus on device procurement and connectivity to the internet for students and teachers. A school's distance learning plan shall make specific provision for its students with special needs, including the purchase of appropriate devices and equipment;

(ii) With the understanding that this grant program is being funded with one-time federal funds, a technology sustainability plan addressing how devices and other technology purchased and used by the school, and students, teachers and other administrators and staff, will be maintained throughout their usage and replaced before the expiration of the term of their expected useful life without additional state funds; and

(iii) A responsible use policy, addressing the use of devices and other technology purchased under this grant program. The policy shall include a provision requiring students, parents or guardians, teachers, administrators and other staff to agree in writing to the provisions in the policy, and may include fines for intentional loss or damage to devices. The policy shall also include a provision acknowledging that the school shall assume the control of ownership and liability for personal devices and other equipment purchased under this grant program until the personal device or other equipment:

1. No longer serves the school or related school purposes for which it was acquired and is sold by public auction under Section 17-25-25;

2. Is sold to students in Grade 12 under the provisions of Section 37-7-459; or

3. Is traded in to a vendor as part of a subsequent purchase; and

(g) Compile and maintain an inventory list of all devices purchased and issued to students, teachers and administrators and other staff, as well as any supporting technology or equipment used to support the school's distance learning plan.

SECTION 8. (1) (a) There is created a special fund in the State Treasury, to be known as the "Equity in Distance Learning Fund," from which the grants authorized by this act shall be disbursed by the department. All monies shall be disbursed from the fund in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, by the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the CARES Act. If on November 1, 2020, there are unobligated monies in the fund from either the department or schools, the department shall have the discretion to distribute the monies for eligible expenditures pursuant to the CARES Act to schools by application. However, unexpended amounts of any monies unrelated to the Coronavirus Relief Fund, whether appropriated by the Legislature or donated by any public or private entity, remaining in the fund at the end of a fiscal year shall not lapse into the Budget Contingency Fund or the State General Fund, and any investment earnings or interest earned on amounts in the grant program fund shall be deposited to the credit of the grant program fund.

(b) If on December 29, 2020, there are unexpended Coronavirus Relief Fund monies remaining in the fund, those funds shall lapse into the Budget Contingency Fund, to be transferred, by the State Fiscal Officer, into the Unemployment Compensation Fund on or before December 30, 2020.

(2) The use of funds allocated under this grant program shall be subject to audit by the United States Department of the Treasury's Office of Inspector General and the Mississippi Office of the State Auditor. Each school, or other entity or person receiving funds under this grant program, found to be fully or partially noncompliant with the requirements in this act, shall return to the state all or a portion of the funds received.

SECTION 9. The department shall provide a comprehensive report on the use of funds distributed under this grant program and the effectiveness of distance learning plans adopted by schools to the Governor, Lieutenant Governor, Speaker of the House of Representatives, and Chairs of the Senate and House Appropriations and Education Committees by October 1, 2020.

SECTION 10. Section 31-7-13, Mississippi Code of 1972, is amended as follows:

31-7-13. All agencies and governing authorities shall purchase their commodities and printing; contract for garbage collection or disposal; contract for solid waste collection or disposal; contract for sewage collection or disposal; contract for public construction; and contract for rentals as herein provided.

(a) **Bidding procedure for purchases not over $5,000.00.** Purchases which do not involve an expenditure of more than Five Thousand Dollars ($5,000.00), exclusive of freight or shipping charges, may be made without advertising or otherwise requesting competitive bids. However, nothing contained in this paragraph (a) shall be construed to prohibit any agency or governing authority from establishing procedures which require competitive bids on purchases of Five Thousand Dollars ($5,000.00) or less.

(b) **Bidding procedure for purchases over $5,000.00 but not over $50,000.00.** Purchases which involve an expenditure of more than Five Thousand Dollars ($5,000.00) but not more than Fifty Thousand Dollars ($50,000.00), exclusive of freight and shipping charges, may be made from the lowest and best bidder without publishing or posting advertisement for bids, provided at least two (2) competitive written bids have been obtained. Any state agency or community/junior college purchasing commodities or procuring construction pursuant to this paragraph (b) may authorize its purchasing agent, or his designee, to accept the lowest competitive written bid under Fifty Thousand Dollars ($50,000.00). Any governing authority purchasing commodities pursuant to this paragraph (b) may authorize its purchasing agent, or his designee, with regard to governing authorities other than counties, or its purchase clerk, or his designee, with regard to counties, to accept the lowest and best competitive written bid. Such authorization shall be made in writing by the governing authority and shall be maintained on file in the primary office of the agency and recorded in the official minutes of the governing authority, as appropriate. The purchasing agent or the purchase clerk, or their designee, as the case may be, and not the governing authority, shall be liable for any penalties and/or damages as may be imposed by law for any act or omission of the purchasing agent or purchase clerk, or their designee, constituting a violation of law in accepting any bid without approval by the governing authority. The term "competitive written bid" shall mean a bid submitted on a bid form furnished by the buying agency or governing authority and signed by authorized personnel representing the vendor, or a bid submitted on a vendor's letterhead or identifiable bid form and signed by authorized personnel representing the vendor. "Competitive" shall mean that the bids are developed based upon comparable identification of the needs and are developed independently and without knowledge of other bids or prospective bids. Any bid item for construction in excess of Five Thousand Dollars ($5,000.00) shall be broken down by components to provide detail of component description and pricing. These details shall be submitted with the written bids and become part of the bid evaluation criteria. Bids may be submitted by facsimile, electronic mail or other generally accepted method of information distribution. Bids submitted by electronic transmission shall not require the signature of the vendor's representative unless required by agencies or governing authorities.

(c) **Bidding procedure for purchases over $50,000.00.**

(i) **Publication requirement.**

1. Purchases which involve an expenditure of more than Fifty Thousand Dollars ($50,000.00), exclusive of freight and shipping charges, may be made from the lowest and best bidder after advertising for competitive bids once each week for two (2) consecutive weeks in a regular newspaper published in the county or municipality in which such agency or governing authority is located. However, all American Recovery and Reinvestment Act projects in excess of Twenty-five Thousand Dollars ($25,000.00) shall be bid. All references to American Recovery and Reinvestment Act projects in this section shall not apply to programs identified in Division B of the American Recovery and Reinvestment Act.

2. Reverse auctions shall be the primary method for receiving bids during the bidding process. If a purchasing entity determines that a reverse auction is not in the best interest of the state, then that determination must be approved by the Public Procurement Review Board. The purchasing entity shall submit a detailed explanation of why a reverse auction would not be in the best interest of the state and present an alternative process to be approved by the Public Procurement Review Board. If the Public Procurement Review Board authorizes

the purchasing entity to solicit bids with a method other than reverse auction, then the purchasing entity may designate the other methods by which the bids will be received, including, but not limited to, bids sealed in an envelope, bids received electronically in a secure system, or bids received by any other method that promotes open competition and has been approved by the Office of Purchasing and Travel. However, reverse auction shall not be used for any public contract for design or construction of public facilities, including buildings, roads and bridges. The Public Procurement Review Board must approve any contract entered into by alternative process. The provisions of this item 2 shall not apply to the individual state institutions of higher learning.

3. The date as published for the bid opening shall not be less than seven (7) working days after the last published notice; however, if the purchase involves a construction project in which the estimated cost is in excess of Fifty Thousand Dollars ($50,000.00), such bids shall not be opened in less than fifteen (15) working days after the last notice is published and the notice for the purchase of such construction shall be published once each week for two (2) consecutive weeks. However, all American Recovery and Reinvestment Act projects in excess of Twenty-five Thousand Dollars ($25,000.00) shall be bid. For any projects in excess of Twenty-five Thousand Dollars ($25,000.00) under the American Recovery and Reinvestment Act, publication shall be made one (1) time and the bid opening for construction

projects shall not be less than ten (10) working days after the date of the published notice. The notice of intention to let contracts or purchase equipment shall state the time and place at which bids shall be received, list the contracts to be made or types of equipment or supplies to be purchased, and, if all plans and/or specifications are not published, refer to the plans and/or specifications on file. If there is no newspaper published in the county or municipality, then such notice shall be given by posting same at the courthouse, or for municipalities at the city hall, and at two (2) other public places in the county or municipality, and also by publication once each week for two (2) consecutive weeks in some newspaper having a general circulation in the county or municipality in the above-provided manner. On the same date that the notice is submitted to the newspaper for publication, the agency or governing authority involved shall mail written notice to, or provide electronic notification to the main office of the Mississippi Procurement Technical Assistance Program under the Mississippi Development Authority that contains the same information as that in the published notice. Submissions received by the Mississippi Procurement Technical Assistance Program for projects funded by the American Recovery and Reinvestment Act shall be displayed on a separate and unique internet web page accessible to the public and maintained by the Mississippi Development Authority for the Mississippi Procurement Technical Assistance Program. Those American Recovery and Reinvestment Act related submissions shall be publicly posted within twenty-four (24) hours of receipt by the Mississippi Development Authority and the bid opening shall not occur until the submission has been posted for ten (10) consecutive days. The Department of Finance and Administration shall maintain information regarding contracts and other expenditures from the American Recovery and Reinvestment Act, on a unique internet web page accessible to the public. The Department of Finance and Administration shall promulgate rules regarding format, content and deadlines, unless otherwise specified by law, of the posting of award notices, contract execution and subsequent amendments, links to the contract documents, expenditures against the awarded contracts and general expenditures of funds from the American Recovery and Reinvestment Act. Within one (1) working day of the contract award, the agency or governing authority shall post to the designated web page maintained by the Department of Finance and Administration, notice of the award, including the award recipient, the contract amount, and a brief summary of the contract in accordance with rules promulgated by the department. Within one (1) working day of the contract execution, the agency or governing authority shall post to the designated web page maintained by the Department of Finance and Administration a summary of the executed contract and make a copy of the appropriately redacted contract documents available for linking to the designated web page in accordance with the rules promulgated by the department. The information provided by the agency or governing authority shall be posted to the web page for the duration of the American Recovery and Reinvestment Act funding or until the project is completed, whichever is longer.

(ii) **Bidding process amendment procedure.** If all plans and/or specifications are published in the notification, then the plans and/or specifications may not be amended. If all plans and/or specifications are not published in the notification, then amendments to the plans/specifications, bid opening date, bid opening time and place may be made, provided that the agency or governing authority maintains a list of all prospective bidders who are known to have received a copy of the bid documents and all such prospective bidders are sent copies of all amendments. This notification of amendments may be made via mail, facsimile, electronic mail or other generally accepted method of information distribution. No addendum to bid specifications may be issued within two (2) working days of the time established for the receipt of bids unless such addendum also amends the bid opening to a date not less than five (5) working days after the date of the addendum.

(iii) **Filing requirement.** In all cases involving governing authorities, before the notice shall be published or posted, the plans or specifications for the construction or equipment being sought shall be filed with the clerk of the board of the governing authority. In addition to these requirements, a bid file shall be established which shall indicate those vendors to whom such solicitations and specifications were issued, and such file shall also contain such information as is pertinent to the bid.

(iv) **Specification restrictions.**

1. Specifications pertinent to such bidding shall be written so as not to exclude comparable equipment of domestic manufacture. However, if valid justification is presented, the Department of Finance and Administration or the board of a governing authority may approve a request for specific equipment necessary to perform a specific job. Further, such justification, when placed on the minutes of the board of a governing authority, may serve as authority for that governing authority to write specifications to require a specific item of equipment needed to perform a specific job. In addition to these requirements, from and after July 1, 1990, vendors of relocatable classrooms and the specifications for the purchase of such relocatable classrooms published by local school boards shall meet all pertinent regulations of the State Board of Education, including prior approval of such bid by the State Department of Education.

2. Specifications for construction projects may include an allowance for commodities, equipment, furniture, construction materials or systems in which prospective bidders are instructed to include in their bids specified amounts for such items so long as the allowance items are acquired by the vendor in

a commercially reasonable manner and approved by the agency/governing authority. Such acquisitions shall not be made to circumvent the public purchasing laws.

(v) **Electronic bids.** Agencies and governing authorities shall provide a secure electronic interactive system for the submittal of bids requiring competitive bidding that shall be an additional bidding option for those bidders who choose to submit their bids electronically. The Department of Finance and Administration shall provide, by regulation, the standards that agencies must follow when receiving electronic bids. Agencies and governing authorities shall make the appropriate provisions necessary to accept electronic bids from those bidders who choose to submit their bids electronically for all purchases requiring competitive bidding under this section. Any special condition or requirement for the electronic bid submission shall be specified in the advertisement for bids required by this section. Agencies or governing authorities that are currently without available high speed internet access shall be exempt from the requirement of this subparagraph (v) until such time that high speed internet access becomes available. Any county having a population of less than twenty thousand (20,000) shall be exempt from the provisions of this subparagraph (v). Any municipality having a population of less than ten thousand (10,000) shall be exempt from the provisions of this subparagraph (v). The provisions of this subparagraph (v) shall not require any bidder to submit bids electronically. When construction bids are submitted electronically, the requirement for including a certificate of responsibility, or a statement that the bid enclosed does not exceed Fifty Thousand Dollars ($50,000.00), on the exterior of the bid envelope as indicated in Section 31-3-21(1) and (2) shall be deemed in compliance with by including same as an attachment with the electronic bid submittal.

(d) **Lowest and best bid decision procedure.**

(i) **Decision procedure.** Purchases may be made from the lowest and best bidder. In determining the lowest and best bid, freight and shipping charges shall be included. Life-cycle costing, total cost bids, warranties, guaranteed buy-back provisions and other relevant provisions may be included in the best bid calculation. All best bid procedures for state agencies must be in compliance with regulations established by the Department of Finance and Administration. If any governing authority accepts a bid other than the lowest bid actually submitted, it shall place on its minutes detailed calculations and narrative summary showing that the accepted bid was determined to be the lowest and best bid, including the dollar amount of the accepted bid and the dollar amount of the lowest bid. No agency or governing authority shall accept a bid based on items not included in the specifications.

(ii) **Decision procedure for Certified Purchasing Offices.** In addition to the decision procedure set forth in subparagraph (i) of this paragraph (d), Certified Purchasing Offices may also use the following procedure: Purchases may be made from the bidder offering the best value. In determining the best value bid, freight and shipping charges shall be included. Life-cycle costing, total cost bids, warranties, guaranteed buy-back provisions, documented previous experience, training costs and other relevant provisions, including, but not limited to, a bidder having a local office and inventory located within the jurisdiction of the governing authority, may be included in the best value calculation. This provision shall authorize Certified Purchasing Offices to utilize a Request For Proposals (RFP) process when purchasing commodities. All best value procedures for state agencies must be in compliance with regulations established by the Department of Finance and Administration. No agency or governing authority shall accept a bid based on items or criteria not included in the specifications.

(iii) **Decision procedure for Mississippi Landmarks.** In addition to the decision procedure set forth in subparagraph (i) of this paragraph (d), where purchase involves renovation, restoration, or both, of the State Capitol Building or any other historical building designated for at least five (5) years as a Mississippi Landmark by the Board of Trustees of the Department of Archives and History under the authority of Sections 39-7-7 and 39-7-11, the agency or governing authority may use the following procedure: Purchases may be made from the lowest and best prequalified bidder. Prequalification of bidders shall be determined not less than fifteen (15) working days before the first published notice of bid opening. Prequalification criteria shall be limited to bidder's knowledge and experience in historical restoration, preservation and renovation. In determining the lowest and best bid, freight and shipping charges shall be included. Life-cycle costing, total cost bids, warranties, guaranteed buy-back provisions and other relevant provisions may be included in the best bid calculation. All best bid and prequalification procedures for state agencies must be in compliance with regulations established by the Department of Finance and Administration. If any governing authority accepts a bid other than the lowest bid actually submitted, it shall place on its minutes detailed calculations and narrative summary showing that the accepted bid was determined to be the lowest and best bid, including the dollar amount of the accepted bid and the dollar amount of the lowest bid. No agency or governing authority shall accept a bid based on items not included in the specifications.

(iv) **Construction project negotiations authority.** If the lowest and best bid is not more than ten percent (10%) above the amount of funds allocated for a public construction or renovation project, then the agency or governing authority shall be permitted to negotiate with the lowest bidder in order to enter into a contract for an amount not to exceed the funds allocated.

(e) **Lease-purchase authorization.** For the purposes of this section, the term "equipment" shall mean equipment, furniture and, if applicable, associated software and other applicable direct costs associated with the acquisition. Any lease-purchase of equipment which an agency is not required to lease-purchase under the master lease-purchase program pursuant to Section 31-7-10 and any lease-purchase of equipment which a governing authority elects to lease-purchase may be acquired by a lease-purchase agreement under this paragraph (e). Lease-purchase financing may also be obtained from the vendor or from a third-party source after having solicited and obtained at least two (2) written competitive bids, as defined in paragraph (b) of this section, for such financing without advertising for such bids. Solicitation for the bids for financing may occur before or after acceptance of bids for the purchase of such equipment or, where no such bids for purchase are required, at any time before the purchase thereof. No such lease-purchase agreement shall be for an annual rate of interest which is greater than the overall maximum interest rate to maturity on general obligation indebtedness permitted under Section 75-17-101, and the term of such lease-purchase agreement shall not exceed the useful life of equipment covered thereby as determined according to the upper limit of the asset depreciation range (ADR) guidelines for the Class Life Asset Depreciation Range System established by the Internal Revenue Service pursuant to the United States Internal

Revenue Code and regulations thereunder as in effect on December 31, 1980, or comparable depreciation guidelines with respect to any equipment not covered by ADR guidelines. Any lease-purchase agreement entered into pursuant to this paragraph (e) may contain any of the terms and conditions which a master lease-purchase agreement may contain under the provisions of Section 31-7-10(5), and shall contain an annual allocation dependency clause substantially similar to that set forth in Section 31-7-10(8). Each agency or governing authority entering into a lease-purchase transaction pursuant to this paragraph (e) shall maintain with respect to each such lease-purchase transaction the same information as required to be maintained by the Department of Finance and Administration pursuant to Section 31-7-10(13). However, nothing contained in this section shall be construed to permit agencies to acquire items of equipment with a total acquisition cost in the aggregate of less than Ten Thousand Dollars ($10,000.00) by a single lease-purchase transaction. All equipment, and the purchase thereof by any lessor, acquired by lease-purchase under this paragraph and all lease-purchase payments with respect thereto shall be exempt from all Mississippi sales, use and ad valorem taxes. Interest paid on any lease-purchase agreement under this section shall be exempt from State of Mississippi income taxation.

(f) **Alternate bid authorization.** When necessary to ensure ready availability of commodities for public works and the timely completion of public projects, no more than two (2) alternate bids may be accepted by a governing authority for commodities. No purchases may be made through use of such alternate bids procedure unless the lowest and best bidder cannot deliver the commodities contained in his bid. In that event, purchases of such commodities may be made from one (1) of the bidders whose bid was accepted as an alternate.

(g) **Construction contract change authorization.** In the event a determination is made by an agency or governing authority after a construction contract is let that changes or modifications to the original contract are necessary or would better serve the purpose of the agency or the governing authority, such agency or governing authority may, in its discretion, order such changes pertaining to the construction that are necessary under the circumstances without the necessity of further public bids; provided that such change shall be made in a commercially reasonable manner and shall not be made to circumvent the public purchasing statutes. In addition to any other authorized person, the architect or engineer hired by an agency or governing authority with respect to any public construction contract shall have the authority, when granted by an agency or governing authority, to authorize changes or modifications to the original contract without the necessity of prior approval of the agency or governing authority when any such change or modification is less than one percent (1%) of the total contract amount. The agency or governing authority may limit the number, manner or frequency of such emergency changes or modifications.

(h) **Petroleum purchase alternative**. In addition to other methods of purchasing authorized in this chapter, when any agency or governing authority shall have a need for gas, diesel fuel, oils and/or other petroleum products in excess of the amount set forth in paragraph (a) of this section, such agency or governing authority may purchase the commodity after having solicited and obtained at least two (2) competitive written bids, as defined in paragraph (b) of this section. If two (2) competitive written bids are not obtained, the entity shall comply with the procedures set forth in paragraph (c) of this section. In the event any agency or governing authority shall have advertised for bids for the purchase of gas, diesel fuel, oils and other petroleum products and coal and no acceptable bids can be obtained, such agency or governing authority is authorized and directed to enter into any negotiations necessary to secure the lowest and best contract available for the purchase of such commodities.

(i) **Road construction petroleum products price adjustment clause authorization**. Any agency or governing authority authorized to enter into contracts for the construction, maintenance, surfacing or repair of highways, roads or streets, may include in its bid proposal and contract documents a price adjustment clause with relation to the cost to the contractor, including taxes, based upon an industry-wide cost index, of petroleum products including asphalt used in the performance or execution of the contract or in the production or manufacture of materials for use in such performance. Such industry-wide index shall be established and published monthly by the Mississippi Department of Transportation with a copy thereof to be mailed, upon request, to the clerks of the governing authority of each municipality and the clerks of each board of supervisors throughout the state. The price adjustment clause shall be based on the cost of such petroleum products only and shall not include any additional profit or overhead as part of the adjustment. The bid proposals or document contract shall contain the basis and methods of adjusting unit prices for the change in the cost of such petroleum products.

(j) **State agency emergency purchase procedure.** If the governing board or the executive head, or his designees, of any agency of the state shall determine that an emergency exists in regard to the purchase of any commodities or repair contracts, so that the delay incident to giving opportunity for competitive bidding would be detrimental to the interests of the state, then the head of such agency, or his designees, shall file with the Department of Finance and Administration (i) a statement explaining the conditions and circumstances of the emergency, which shall include a detailed description of the events leading up to the situation and the negative impact to the entity if the purchase is made following the statutory requirements set forth in paragraph (a), (b) or (c) of this section, and (ii) a certified copy of the appropriate minutes of the board of such agency requesting the emergency purchase, if applicable. Upon receipt of the statement and applicable board certification, the State Fiscal Officer, or his designees, may, in writing, authorize the purchase or repair without having to comply with competitive bidding requirements.

If the governing board or the executive head, or his designees, of any agency determines that an emergency exists in regard to the purchase of any commodities or repair contracts, so that the delay incident to giving opportunity for competitive bidding would threaten the health or safety of any person, or the preservation or protection of property, then the provisions in this section for competitive bidding shall not apply, and any officer or agent of the agency having general or specific authority for making the purchase or repair contract shall approve the bill presented for payment, and he shall certify in writing from whom the purchase was made, or with whom the repair contract was made.

Total purchases made under this paragraph (j) shall only be for the purpose of meeting needs created by the emergency situation. Following the emergency purchase, documentation of the purchase, including a description of the commodity purchased, the purchase price thereof and the nature of the emergency shall be filed with the Department of Finance and Administration. Any contract awarded pursuant to this paragraph (j) shall not exceed a term of one (1) year.

Purchases under the grant program established under this act in response to COVID-19 and the directive that school districts create a distance learning plan and fulfill technology needs expeditiously shall be deemed an emergency purchase for purposes of this paragraph (j).

(k) **Governing authority emergency purchase procedure.** If the governing authority, or the governing authority acting through its designee, shall determine that an emergency exists in regard to the purchase of any commodities or repair contracts, so that the delay incident to giving opportunity for competitive bidding would be detrimental to the interest of the governing authority, then the provisions herein for competitive bidding shall not apply and any officer or agent of such governing authority having general or special authority therefor in making such purchase or repair shall approve the bill presented therefor, and he shall certify in writing thereon from whom such purchase was made, or with whom such a repair contract was made. At the board meeting next following the emergency purchase or repair contract, documentation of the purchase or repair contract, including a description of the commodity purchased, the price thereof and the nature of the emergency shall be presented to the board and shall be placed on the minutes of the board of such governing authority. Purchases under the grant program established under this act in response to COVID-19 and the directive that school districts create a distance learning plan and fulfill technology needs expeditiously shall be deemed an emergency purchase for purposes of this paragraph (k).

(l) **Hospital purchase, lease-purchase and lease authorization.**

(i) The commissioners or board of trustees of any public hospital may contract with such lowest and best bidder for the purchase or lease-purchase of any commodity under a contract of purchase or lease-purchase agreement whose obligatory payment terms do not exceed five (5) years.

(ii) In addition to the authority granted in subparagraph (i) of this paragraph (l), the commissioners or board of trustees is authorized to enter into contracts for the lease of equipment or services, or both, which it considers necessary for the proper care of patients if, in its opinion, it is not financially feasible to purchase the necessary equipment or services. Any such contract for the lease of equipment or services executed by the commissioners or board shall not exceed a maximum of five (5) years' duration and shall include a cancellation clause based on unavailability of funds. If such cancellation clause is exercised, there shall be no further liability on the part of the lessee. Any such contract for the lease of equipment or services executed on behalf of the commissioners or board that complies with the provisions of this subparagraph (ii) shall be excepted from the bid requirements set forth in this section.

(m) **Exceptions from bidding requirements.** Excepted from bid requirements are:

(i) **Purchasing agreements approved by department.** Purchasing agreements, contracts and maximum price regulations executed or approved by the Department of Finance and Administration.

(ii) **Outside equipment repairs.** Repairs to equipment, when such repairs are made by repair facilities in the private sector; however, engines, transmissions, rear axles and/or other such components shall not be included in this exemption when replaced as a complete unit instead of being repaired and the need for such total component replacement is known before disassembly of the component; however, invoices identifying the equipment, specific repairs made, parts identified by number and name, supplies used in such repairs, and the number of hours of labor and costs therefor shall be required for the payment for such repairs.

(iii) **In-house equipment repairs.** Purchases of parts for repairs to equipment, when such repairs are made by personnel of the agency or governing authority; however, entire assemblies, such as engines or transmissions, shall not be included in this exemption when the entire assembly is being replaced instead of being repaired.

(iv) **Raw gravel or dirt.** Raw unprocessed deposits of gravel or fill dirt which are to be removed and transported by the purchaser.

(v) **Governmental equipment auctions.** Motor vehicles or other equipment purchased from a federal agency or authority, another governing authority or state agency of the State of Mississippi, or any governing authority or state agency of another state at a public auction held for the purpose of disposing of such vehicles or other equipment. Any purchase by a governing authority under the exemption authorized by this subparagraph (v) shall require advance authorization spread upon the minutes of the governing authority to include the listing of the item or items authorized to be purchased and the maximum bid authorized to be paid for each item or items.

(vi) **Intergovernmental sales and transfers.** Purchases, sales, transfers or trades by governing authorities or state agencies when such purchases, sales, transfers or trades are made by a private treaty agreement or through means of negotiation, from any federal agency or authority, another governing authority or state agency of the State of Mississippi, or any state agency or governing authority of another state. Nothing in this section shall permit such purchases through public auction except as provided for in subparagraph (v) of this paragraph (m). It is the intent of this section to allow governmental entities to dispose of and/or purchase commodities from other governmental entities at a price that is agreed to by both parties. This shall allow for purchases and/or sales at prices which may be determined to be below the market value if the selling entity determines that the sale at below market value is in the best interest of the taxpayers of the state. Governing authorities shall place the terms of the agreement and any justification on the minutes, and state agencies shall obtain approval from the Department of Finance and Administration, prior to releasing or taking possession of the commodities.

(vii) **Perishable supplies or food.** Perishable supplies or food purchased for use in connection with hospitals, the school lunch programs, homemaking programs and for the feeding of county or municipal prisoners.

(viii) **Single source items.** Noncompetitive items available from one (1) source only. In connection with the purchase of noncompetitive items only available from one (1) source, a certification of the conditions and circumstances requiring the purchase shall be filed by the agency with the Department of Finance and Administration and by the governing authority with the board of the governing authority. Upon receipt of that certification the Department of Finance and Administration or the board of the governing authority, as the case may be, may, in writing, authorize the purchase, which authority shall be noted on the minutes of the body at the next regular meeting thereafter. In those situations, a governing authority is not required to obtain the approval of the Department of Finance and Administration. Following the purchase, the executive head of the state agency, or his designees, shall file with the Department of Finance and Administration, documentation of the purchase, including a description of the commodity purchased, the purchase price thereof and the source from whom it was purchased.

(ix) **Waste disposal facility construction contracts.** Construction of incinerators and other facilities for disposal of solid wastes in which products either generated therein, such as steam, or recovered therefrom, such as materials for recycling, are to be sold or otherwise disposed of; however, in constructing such facilities, a governing authority or agency shall publicly issue requests for proposals, advertised for in the same manner as provided herein for seeking bids for public construction projects, concerning the design, construction, ownership, operation and/or maintenance of such facilities, wherein such requests for proposals when issued shall contain terms and conditions relating to price, financial responsibility, technology, environmental compatibility, legal responsibilities and such other matters as are determined by the governing authority or agency to be appropriate for inclusion; and after responses to the request for proposals have been duly received, the governing authority or agency may select the most qualified proposal or proposals on the basis of price, technology and other relevant factors and from such proposals, but not limited to the terms thereof, negotiate and enter contracts with one or more of the persons or firms submitting proposals.

(x) **Hospital group purchase contracts.** Supplies, commodities and equipment purchased by hospitals through group purchase programs pursuant to Section 31-7-38.

(xi) **Information technology products.** Purchases of information technology products made by governing authorities under the provisions of purchase schedules, or contracts executed or approved by the Mississippi Department of Information Technology Services and designated for use by governing authorities.

(xii) **Energy efficiency services and equipment.** Energy efficiency services and equipment acquired by school districts, community and junior colleges, institutions of higher learning and state agencies or other applicable governmental entities on a shared-savings, lease or lease-purchase basis pursuant to Section 31-7-14.

(xiii) **Municipal electrical utility system fuel.** Purchases of coal and/or natural gas by municipally owned electric power generating systems that have the capacity to use both coal and natural gas for the generation of electric power.

(xiv) **Library books and other reference materials.** Purchases by libraries or for libraries of books and periodicals;

processed film, videocassette tapes, filmstrips and slides; recorded audiotapes, cassettes and diskettes; and any such items as would be used for teaching, research or other information distribution; however, equipment such as projectors, recorders, audio or video equipment, and monitor televisions are not exempt under this subparagraph.

(xv) **Unmarked vehicles.** Purchases of unmarked vehicles when such purchases are made in accordance with purchasing regulations adopted by the Department of Finance and Administration pursuant to Section 31-7-9(2).

(xvi) **Election ballots.** Purchases of ballots printed pursuant to Section 23-15-351.

(xvii) **Multichannel interactive video systems.** From and after July 1, 1990, contracts by Mississippi Authority for Educational Television with any private educational institution or private nonprofit organization whose purposes are educational in regard to the construction, purchase, lease or lease-purchase of facilities and equipment and the employment of personnel for providing multichannel interactive video systems (ITSF) in the school districts of this state.

(xviii) **Purchases of prison industry products by the Department of Corrections, regional correctional facilities or privately owned prisons.** Purchases made by the Mississippi Department of Corrections, regional correctional facilities or privately owned prisons involving any item that is manufactured, processed, grown or produced from the state's prison industries.

(xix) **Undercover operations equipment.** Purchases of surveillance equipment or any other high-tech equipment to be used by law enforcement agents in undercover operations, provided that any such purchase shall be in compliance with regulations established by the Department of Finance and Administration.

(xx) **Junior college books for rent.** Purchases by community or junior colleges of textbooks which are obtained for the purpose of renting such books to students as part of a book service system.

(xxi) **Certain school district purchases.** Purchases of commodities made by school districts from vendors with which any levying authority of the school district, as defined in Section 37-57-1, has contracted through competitive bidding procedures for purchases of the same commodities.

(xxii) **Garbage, solid waste and sewage contracts.** Contracts for garbage collection or disposal, contracts for solid waste collection or disposal and contracts for sewage collection or disposal.

(xxiii) **Municipal water tank maintenance contracts.** Professional maintenance program contracts for the repair or maintenance of municipal water tanks, which provide professional services needed to maintain municipal water storage tanks for a fixed annual fee for a duration of two (2) or more years.

(xxiv) **Purchases of Mississippi Industries for the Blind products.** Purchases made by state agencies or governing authorities involving any item that is manufactured, processed or produced by the Mississippi Industries for the Blind.

(xxv) **Purchases of state-adopted textbooks.** Purchases of state-adopted textbooks by public school districts.

(xxvi) **Certain purchases under the Mississippi Major Economic Impact Act.** Contracts entered into pursuant to the provisions of Section 57-75-9(2), (3) and (4).

(xxvii) **Used heavy or specialized machinery or equipment for installation of soil and water conservation practices purchased at auction.** Used heavy or specialized machinery or equipment used for the installation and implementation of soil and water conservation practices or measures purchased subject to the restrictions provided in Sections 69-27-331 through 69-27-341. Any purchase by the State Soil and Water Conservation Commission under the exemption authorized by this subparagraph shall require advance authorization spread upon the minutes of the commission to include the listing of the item or items authorized to be purchased and the maximum bid authorized to be paid for each item or items.

(xxviii) **Hospital lease of equipment or services.** Leases by hospitals of equipment or services if the leases are in compliance with paragraph (l)(ii).

(xxix) **Purchases made pursuant to qualified cooperative purchasing agreements.** Purchases made by certified purchasing offices of state agencies or governing authorities under cooperative purchasing agreements previously approved by the Office of Purchasing and Travel and established by or for any municipality, county, parish or state government or the federal government, provided that the notification to potential contractors includes a clause that sets forth the availability of the cooperative purchasing agreement to other governmental entities. Such purchases shall only be made if the use of the cooperative purchasing agreements is determined to be in the best interest of the governmental entity.

(xxx) **School yearbooks.** Purchases of school yearbooks by state agencies or governing authorities; provided, however, that state agencies and governing authorities shall use for these purchases the RFP process as set forth in the Mississippi Procurement Manual adopted by the Office of Purchasing and Travel.

(xxxi) **Design-build method and dual-phase design-build method of contracting.** Contracts entered into under the provisions of Section 31-7-13.1, 37-101-44 or 65-1-85.

(xxxii) **Toll roads and bridge construction projects.** Contracts entered into under the provisions of Section 65-43-1 or 65-43-3.

(xxxiii) **Certain purchases under Section 57-1-221.** Contracts entered into pursuant to the provisions of Section 57-1-221.

(xxxiv) **Certain transfers made pursuant to the provisions of Section 57-105-1(7).** Transfers of public property or facilities under Section 57-105-1(7) and construction related to such public property or facilities.

(xxxv) **Certain purchases or transfers entered into with local electrical power associations.** Contracts or agreements entered into under the provisions of Section 55-3-33.

(xxxvi) **Certain purchases by an academic medical center or health sciences school.** Purchases by an academic medical center or health sciences school, as defined in Section 37-115-50, of commodities that are used for clinical purposes and 1. intended for use in the diagnosis of disease or other conditions or in the cure, mitigation, treatment or prevention of disease, and 2. medical devices, biological, drugs and radiation-emitting devices as defined by the United States Food and Drug Administration.

(xxxvii) **Certain purchases made under the Alyce G. Clarke Mississippi Lottery Law.** Contracts made by the Mississippi

Lottery Corporation pursuant to the Alyce G. Clarke Mississippi Lottery Law.

(n) **Term contract authorization.** All contracts for the purchase of:

(i) All contracts for the purchase of commodities, equipment and public construction (including, but not limited to, repair and maintenance), may be let for periods of not more than sixty (60) months in advance, subject to applicable statutory provisions prohibiting the letting of contracts during specified periods near the end of terms of office. Term contracts for a period exceeding twenty-four (24) months shall also be subject to ratification or cancellation by governing authority boards taking office subsequent to the governing authority board entering the contract.

(ii) Bid proposals and contracts may include price adjustment clauses with relation to the cost to the contractor based upon a nationally published industry-wide or nationally published and recognized cost index. The cost index used in a price adjustment clause shall be determined by the Department of Finance and Administration for the state agencies and by the governing board for governing authorities. The bid proposal and contract documents utilizing a price adjustment clause shall contain the basis and method of adjusting unit prices for the change in the cost of such commodities, equipment and public construction.

(o) **Purchase law violation prohibition and vendor penalty.** No contract or purchase as herein authorized shall be made for the purpose of circumventing the provisions of this section requiring competitive bids, nor shall it be lawful for any person or concern to submit individual invoices for amounts within those authorized for a contract or purchase where the actual value of the contract or commodity purchased exceeds the authorized amount and the invoices therefor are split so as to appear to be authorized as purchases for which competitive bids are not required. Submission of such invoices shall constitute a misdemeanor punishable by a fine of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00), or by imprisonment for thirty (30) days in the county jail, or both such fine and imprisonment. In addition, the claim or claims submitted shall be forfeited.

(p) **Electrical utility petroleum-based equipment purchase procedure.** When in response to a proper advertisement therefor, no bid firm as to price is submitted to an electric utility for power transformers, distribution transformers, power breakers, reclosers or other articles containing a petroleum product, the electric utility may accept the lowest and best bid therefor although the price is not firm.

(q) **Fuel management system bidding procedure.** Any governing authority or agency of the state shall, before contracting for the services and products of a fuel management or fuel access system, enter into negotiations with not fewer than two (2) sellers of fuel management or fuel access systems for competitive written bids to provide the services and products for the systems. In the event that the governing authority or agency cannot locate two (2) sellers of such systems or cannot obtain bids from two (2) sellers of such systems, it shall show proof that it made a diligent, good-faith effort to locate and negotiate with two (2) sellers of such systems. Such proof shall include, but not be limited to, publications of a request for proposals and letters soliciting negotiations and bids. For purposes of this paragraph (q), a fuel management or fuel access system is an automated system of acquiring fuel for vehicles as well as management reports detailing fuel use by vehicles and drivers, and the term "competitive written bid" shall have the meaning as defined in paragraph (b) of this section. Governing authorities and agencies shall be exempt from this process when contracting for the services and products of fuel management or fuel access systems under the terms of a state contract established by the Office of Purchasing and Travel.

(r) **Solid waste contract proposal procedure.** Before entering into any contract for garbage collection or disposal, contract for solid waste collection or disposal or contract for sewage collection or disposal, which involves an expenditure of more than Fifty Thousand Dollars ($50,000.00), a governing authority or agency shall issue publicly a request for proposals concerning the specifications for such services which shall be advertised for in the same manner as provided in this section for seeking bids for purchases which involve an expenditure of more than the amount provided in paragraph (c) of this section. Any request for proposals when issued shall contain terms and conditions relating to price, financial responsibility, technology, legal responsibilities and other relevant factors as are determined by the governing authority or agency to be appropriate for inclusion; all factors determined relevant by the governing authority or agency or required by this paragraph (r) shall be duly included in the advertisement to elicit proposals. After responses to the request for proposals have been duly received, the governing authority or agency shall select the most qualified proposal or proposals on the basis of price, technology and other relevant factors and from such proposals, but not limited to the terms thereof, negotiate and enter into contracts with one or more of the persons or firms submitting proposals. If the governing authority or agency deems none of the proposals to be qualified or otherwise acceptable, the request for proposals process may be reinitiated. Notwithstanding any other provisions of this paragraph, where a county with at least thirty-five thousand (35,000) nor more than forty thousand (40,000) population, according to the 1990 federal decennial census, owns or operates a solid waste landfill, the governing authorities of any other county or municipality may contract with the governing authorities of the county owning or operating the landfill, pursuant to a resolution duly adopted and spread upon the minutes of each governing authority involved, for garbage or solid waste collection or disposal services through contract negotiations.

(s) **Minority set-aside authorization.** Notwithstanding any provision of this section to the contrary, any agency or governing authority, by order placed on its minutes, may, in its discretion, set aside not more than twenty percent (20%) of its anticipated annual expenditures for the purchase of commodities from minority businesses; however, all such set-aside purchases shall comply with all purchasing regulations promulgated by the Department of Finance and Administration and shall be subject to bid requirements under this section. Set-aside purchases for which competitive bids are required shall be made from the lowest and best minority business bidder. For the purposes of this paragraph, the term "minority business" means a business which is owned by a majority of persons who are United States citizens or permanent resident aliens (as defined by the Immigration and Naturalization Service) of the United States, and who are Asian, Black, Hispanic or Native American, according to the following definitions:

(i) "Asian" means persons having origins in any of the original people of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.

(ii) "Black" means persons having origins in any black racial group of Africa.

(iii) "Hispanic" means persons of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race.

(iv) "Native American" means persons having origins in any of the original people of North America, including American Indians, Eskimos and Aleuts.

(t) **Construction punch list restriction.** The architect, engineer or other representative designated by the agency or governing authority that is contracting for public construction or renovation may prepare and submit to the contractor only one (1) preliminary punch list of items that do not meet the contract requirements at the time of substantial completion and one (1) final list immediately before final completion and final payment.

(u) **Procurement of construction services by state institutions of higher learning.** Contracts for privately financed construction of auxiliary facilities on the campus of a state institution of higher learning may be awarded by the Board of Trustees of State Institutions of Higher Learning to the lowest and best bidder, where sealed bids are solicited, or to the offeror whose proposal is determined to represent the best value to the citizens of the State of Mississippi, where requests for proposals are solicited.

(v) **Insurability of bidders for public construction or other public contracts.** In any solicitation for bids to perform public construction or other public contracts to which this section applies, including, but not limited to, contracts for repair and maintenance, for which the contract will require insurance coverage in an amount of not less than One Million Dollars ($1,000,000.00), bidders shall be permitted to either submit proof of current insurance coverage in the specified amount or demonstrate ability to obtain the required coverage amount of insurance if the contract is awarded to the bidder. Proof of insurance coverage shall be submitted within five (5) business days from bid acceptance.

(w) **Purchase authorization clarification.** Nothing in this section shall be construed as authorizing any purchase not authorized by law.

SECTION 11. If any section, paragraph, sentence, clause, phrase, or any part of this act is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no matter affected thereby but shall remain in full force and effect.

SECTION 12. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2020 Regular Session

Senate Bill 3046

Description: COVID-19 Broadband Grant Programs; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: None
Revenue: No
Vote type required: Majority
Effective date: Passage
Suspension measure: HC 69

History of Actions:

1	06/18	Suspend from Deadlines by HC 69
2	06/18	(S) Referred To Energy
3	06/22	(S) Title Suff Do Pass Comm Sub
4	06/24	(S) Committee Substitute Adopted
5	06/24	(S) Passed {Vote}
6	06/25	(S) Transmitted To House
7	06/26	(H) Referred To Rules
8	06/28	(H) Title Suff Do Pass As Amended
9	06/28	(H) Amended
10	06/28	(H) Passed As Amended {Vote}
11	06/28	(H) Immediate Release
12	06/28	(H) Returned For Concurrence
13	06/29	(S) Concurred in Amend From House {Vote}
14	07/02	(S) Enrolled Bill Signed
15	07/02	(H) Enrolled Bill Signed
16	07/08	Law W/out Governor's Signature

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 3046

----- Additional Information -----

Senate Committee: Energy
House Committee: Rules

Principal Author: Carter

Title: AN ACT TO DIRECT THE STATE FISCAL OFFICER TO TRANSFER $65,000,000.00 TO THE MISSISSIPPI ELECTRIC COOPERATIVES BROADBAND COVID-19 GRANT PROGRAM FUND; TO DIRECT THE STATE FISCAL OFFICER

TO TRANSFER $10,000,000.00 TO THE COVID-19 BROADBAND PROVIDER GRANT PROGRAM FUND; TO CREATE THE "MISSISSIPPI ELECTRIC COOPERATIVES BROADBAND COVID-19 GRANT PROGRAM" AND THE "COVID-19 BROADBAND PROVIDER GRANT PROGRAM"; TO PROVIDE A STATEMENT OF LEGISLATIVE INTENT AND FINDINGS; TO CREATE THE "MISSISSIPPI ELECTRIC COOPERATIVES BROADBAND COVID-19 GRANT PROGRAM FUND" AND THE "COVID-19 BROADBAND PROVIDER GRANT PROGRAM FUND" AS SPECIAL FUNDS IN THE STATE TREASURY FOR THE PURPOSE OF PROVIDING FUNDS FOR GRANTS UNDER THIS ACT; TO PROVIDE THAT THE GRANT PROGRAMS CREATED UNDER THIS ACT SHALL BE ADMINISTERED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION, FOR THE PURPOSE OF MAKING GRANTS UNDER THIS ACT FOR ELIGIBLE EXPENSES; TO PRESCRIBE THE REQUIREMENTS OF APPLICATION FOR THE GRANTS; TO SPECIFY THAT THE USE OF GRANT FUNDS SHALL BE SUBJECT TO AUDIT AND REGULATION OF THE PUBLIC UTILITIES STAFF, AND NONCOMPLIANCE WITH THE TERMS OF THE GRANT SHALL REQUIRE REPAYMENT OF GRANT MONIES TO THE STATE; TO SPECIFY THAT ALL MONIES SHALL BE DISBURSED FROM THESE SPECIAL FUNDS IN COMPLIANCE WITH THE REQUIREMENTS OF THE CARES ACT AND GUIDELINES FROM THE UNITED STATES DEPARTMENT OF THE TREASURY REGARDING THE USE OF MONIES FROM THE CORONAVIRUS RELIEF FUND; TO TRANSFER UNOBLIGATED MONIES IN THE FUNDS AS OF OCTOBER 1, 2020, TO THE UNEMPLOYMENT INSURANCE FUND; TO PROVIDE THAT A DECLARATION OF ANY PORTION OF THIS ACT AS INVALID SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ACT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Carter To: Energy

SENATE BILL NO. 3046
(As Sent to Governor)

AN ACT TO DIRECT THE STATE FISCAL OFFICER TO TRANSFER $65,000,000.00 TO THE MISSISSIPPI ELECTRIC COOPERATIVES BROADBAND COVID-19 GRANT PROGRAM FUND; TO DIRECT THE STATE FISCAL OFFICER TO TRANSFER $10,000,000.00 TO THE COVID-19 BROADBAND PROVIDER GRANT PROGRAM FUND; TO CREATE THE "MISSISSIPPI ELECTRIC COOPERATIVES BROADBAND COVID-19 GRANT PROGRAM" AND THE "COVID-19 BROADBAND PROVIDER GRANT PROGRAM"; TO PROVIDE A STATEMENT OF LEGISLATIVE INTENT AND FINDINGS; TO CREATE THE "MISSISSIPPI ELECTRIC COOPERATIVES BROADBAND COVID-19 GRANT PROGRAM FUND" AND THE "COVID-19 BROADBAND PROVIDER GRANT PROGRAM FUND" AS SPECIAL FUNDS IN THE STATE TREASURY FOR THE PURPOSE OF PROVIDING FUNDS FOR GRANTS UNDER THIS ACT; TO PROVIDE THAT THE GRANT PROGRAMS CREATED UNDER THIS ACT SHALL BE ADMINISTERED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION, FOR THE PURPOSE OF MAKING GRANTS UNDER THIS ACT FOR ELIGIBLE EXPENSES; TO PRESCRIBE THE REQUIREMENTS OF APPLICATION FOR THE GRANTS; TO SPECIFY THAT THE USE OF GRANT FUNDS SHALL BE SUBJECT TO AUDIT AND REGULATION OF THE PUBLIC UTILITIES STAFF, AND NONCOMPLIANCE WITH THE TERMS OF THE GRANT SHALL REQUIRE REPAYMENT OF GRANT MONIES TO THE STATE; TO SPECIFY THAT ALL MONIES SHALL BE DISBURSED FROM THESE SPECIAL FUNDS IN COMPLIANCE WITH THE REQUIREMENTS OF THE CARES ACT AND GUIDELINES FROM THE UNITED STATES DEPARTMENT OF THE TREASURY REGARDING THE USE OF MONIES FROM THE CORONAVIRUS RELIEF FUND; TO TRANSFER UNOBLIGATED MONIES IN THE FUNDS AS OF OCTOBER 1, 2020, TO THE UNEMPLOYMENT INSURANCE FUND; TO PROVIDE THAT A DECLARATION OF ANY PORTION OF THIS ACT AS INVALID SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) Upon the effective date of this act, the State Fiscal Officer shall transfer to the Mississippi Electric

Cooperatives Broadband COVID-19 Grant Program Fund out of the Budget Contingency Fund..................$ 65,000,000.00.

(2) Upon the effective date of this act, the State Fiscal Officer shall transfer to the Covid-19 Broadband Provider Grant Program Fund out of the Budget Contingency Fund...$ 10,000,000.00.

SECTION 2. This act shall be known and may be cited as the "Mississippi Electric Cooperatives Broadband COVID-19 Act."

SECTION 3. (1) The Legislature finds and declares that the State of Emergency and ongoing public health crisis related to COVID-19 has caused significant challenges in the immediate delivery of educational, health care and other services. The Legislature further finds and declares that due to the COVID-19 pandemic there is an immediate increased need for reliable internet service in rural Mississippi, including expanded rural broadband capacity to facilitate and assist with distance learning, telemedicine, and telework and which is required for citizens to continue their education, receive necessary services, and work in a healthy and safe environment.

(2) Therefore, as part of this state's response to the COVID-19 public health emergency, the Legislature determines that it is necessary to create and there is hereby created in the State Treasury a special fund to be designated as the "Mississippi Electric Cooperatives Broadband COVID-19 Grant Program Fund," which shall consist of funds made available by the Legislature in

any manner and funds from any other source designated for deposit into such fund. The Department of Finance and Administration, in conjunction with the Mississippi Public Utilities Staff, shall establish the "Mississippi Electric Cooperatives Broadband COVID-19 Grant Program" ("Cooperative Program") to provide grants to electric cooperatives for the purpose of expanding immediately broadband access in unserved and underserved areas of the State of Mississippi, as determined by the Mississippi Public Utilities Staff which the Legislature hereby finds and determines are necessary expenditures due to the public health emergency with respect to COVID-19.

(3) The Legislature further determines, as part of this state's response to the COVID-19 public health emergency, that it is necessary to create and there is hereby created in the State Treasury a special fund to be designated as the "Covid-19 Broadband Provider Grant Program Fund," which shall consist of funds made available by the Legislature in any manner and funds from any other source designated for deposit into such fund; and the Department of Finance and Administration, in conjunction with the Mississippi Public Utilities Staff, shall establish the "Covid-19 Broadband Grant Program" ("General Program") to provide grants to broadband providers, as defined in subsection (4) of this section, for the purpose of expanding broadband access in unserved and underserved areas of the State of Mississippi, as determined by the Mississippi Public Utilities Staff, which the

Legislature hereby finds and determines are necessary expenditures due to the public health emergency with respect to COVID-19.

(4) As used in this act, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Applicant" means an electric cooperative or broadband provider that makes an application for a grant under this act.

(b) "Broadband affiliate" means any entity that is (i) wholly or partially owned by an electric cooperative, and (ii) formed to own or operate a broadband system or provide broadband services;

(c) "Broadband provider" means an entity that (i) is not an electric cooperative or an affiliate of an electric cooperative and (ii) is authorized to provide broadband service in Mississippi;

(d) "Broadband services" means any service that consists of or includes the provision of or connectivity to a high-speed, high-capacity transmission medium that can carry signals from or to multiple sources at a rate not less than one hundred (100) megabits per second in the downstream direction and not less than one hundred (100) megabits per second in the upstream direction, and that either: (i) is used to provide access to the internet, or (ii) provides computer processing, information storage, information content or protocol conversion, including any service applications or information service provided over such high-speed access service.

(e) "Census block" means a geographic area defined as a census block by the United States Department of Commerce, Bureau of the Census, in conducting the 2010 decennial census.

(f) "COVID-19" means the Coronavirus Disease 2019;

(g) "Department" means the Department of Finance and Administration; and

(h) "Electric cooperative" means a corporation formed or operating under Section 77-5-201 et seq.

(i) "Grant Funds" means the "Mississippi Electric Cooperatives Broadband Covid-19 Grant Program Fund" and the "Covid-19 Broadband Provider Grant Program Fund."

(j) "Grant Programs" means the "Mississippi Electric Cooperatives Broadband Covid-19 Grant Program" and the "Covid-19 Broadband Provider Grant Program."

(k) "Primary application" means the initial application filed by an applicant under this act for the purpose of obtaining a grant from one of the Grant Funds.

(l) "Public Utilities Staff" or "staff" means the Mississippi Public Utilities Staff.

(m) "Public Utilities Staff Regulation Fund" means the fund established under Section 77-2-19.

(n) "Secondary application" means an application filed by an applicant under this act after its primary application has been filed and that is submitted for the purpose of obtaining an additional grant from one of the Grant Funds. Approved grants for secondary applications will be distributed from each Grant Fund on a pro rata basis, as determined by the department.

(5) Unexpended amounts remaining in either of the Grant Funds at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the Grant Funds shall be deposited to the credit of the Grant Funds, respectively. Monies in the Grant Funds shall be used for the purpose of providing payments to eligible applicants as provided in this act. Monies in the Grant Funds shall be administered and disbursed by the department and Staff in compliance with this act and in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established in Section 5001 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act. If on October 1, 2020, there are unobligated monies in one or both of the Grant Funds, or if at any other time undistributed monies in either Grant Funds are determined by the department to be ineligible to be spent by the department, those monies shall be transferred into the Unemployment Compensation Fund.

SECTION 4. (1) From the date of the beginning of the period for applications for grants under this section, the Staff shall consider and review applications from any eligible applicant. Any project applied for by an electric cooperative must be for the purpose of the electric cooperative immediately installing broadband fiber on its electric delivery system and thereby facilitating the provision of broadband services by its broadband affiliate or an unaffiliated broadband provider. Any project applied for by a broadband provider must be for the purpose of the broadband provider's delivery of broadband services. All projects under each of the Grant Programs must be designed to immediately provide increased broadband services to an area or areas that have been determined by the Public Utilities Staff to be unserved or underserved according to the latest publicly available Federal Communications Commission broadband data. Under this act, electric cooperatives may only apply for and receive grants under the Cooperative Program, and broadband providers may only apply for and receive grants under the General Program.

(2) As to each of those specific Mississippi counties for which such information is requested by an electric cooperative or broadband provider, the Public Utilities Staff shall, by no later than July 10, 2020, specifically identify census blocks that are unserved or underserved according to the latest publicly available Federal Communications Commission broadband data. In order to create efficiencies in the administration of the Grant Programs and avoid the imposition of undue and unnecessary burdens on the Staff, a single electric cooperative or broadband provider may not

request such information for more than three (3) counties and any requests for such information must be submitted to the Staff by no later than the close of business on July 7, 2020. The Staff shall provide its identification of such census blocks directly to the department and to each electric cooperative and broadband provider requesting the Staff for such information, and also provide such information to the public through a posting on the Public Utilities Staff's website. Each applicant shall rely on the Public Utilities Staff's identification of unserved and underserved census blocks in making its application(s) for Grant Funds and spending awarded Grant Funds.

(3) In an attempt to facilitate broader participation in the Cooperative Program, an electric cooperative's project or projects, for which grant monies are provided under this act, shall be considered pilot or special purpose projects and shall not obligate the electric cooperative receiving the grant monies or such electric cooperative's broadband affiliate to provide broadband access to the entire service area of the electric cooperative.

(4) For each dollar of grant monies requested for a project or projects by an applicant, the applicant must commit and spend a dollar of nongrant monies toward such project or projects. Universal Service Fund, Connect America Fund, or other grants awarded for broadband expansion through a separate state or federal program shall not be used for the required matching funds;

but this limitation shall not include or extend to any loans of any kind. The primary application made by an applicant shall be for a grant totaling not more than Six Million Dollars ($6,000,000.00).

(5) An applicant submitting a primary application may also submit a secondary application at the same time or soon thereafter with no maximum to the amount of grant monies that may be requested. The department shall first obligate all primary applications made that meet the eligibility criteria and are approved by the Staff. Then, if grant monies are still available the department shall consider and obligate any secondary applications that meet the eligibility criteria and are approved by the Staff. During the secondary application process, if one of the Grant Funds has unobligated monies remaining after all qualifying secondary applications are considered, then the State Fiscal Officer shall transfer those unobligated monies into the other Grant Fund for distribution in the secondary application process of such other Grant Fund.

(6) Any grant monies provided under this act shall be spent no later than December 30, 2020, or by such later date as may be specified in the guidelines, guidance, rules, regulations and/or other criteria of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established in Section 5001 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

SECTION 5. (1) An applicant desiring to participate in one of the Grant Programs shall make written application to the Staff for a grant.

(2) Any primary application must be submitted on or before the close of business on July 17, 2020. A primary application must include the following: (a) a description of the applicant, (b) a description of the proposed project, (c) a project map depicting the projects unserved or underserved census blocks, as identified by the Public Utilities Staff, (d) an engineering map of the project, (e) an estimate of the total number of households along the route of the project, (f) the total estimated miles of fiber to be installed, (g) the proposed maximum speeds to be delivered both downstream and upstream, (h) the total estimated cost of the project, (i) the grant amount requested by the electric cooperative, subject, however, to the limit set forth in Section 3 of this act, and (j) confirmation by the applicant of its obligation under this act to refund any awarded funds in the event it is found by the Public Utilities Staff to be fully or materially noncompliant with this act.

(3) In order to assist with the payment of reasonable expenses the Public Utilities Staff will incur in the administration of the Grant Programs, any application for a grant under this act, whether primary or secondary, must include an application fee that is: (a) made payable to the Public Utilities Staff Regulation Fund, and (b) equal to one-half of one percent

(1/2 of 1%) of the grant amount requested in the application. An application fee paid by an applicant shall be immediately returned if the proposed project is rejected by the Staff. In the event a requested grant is partially awarded, the application fee shall be reduced on a proportionate basis and the difference refunded to the applicant.

(4) The Staff shall expeditiously review the primary application submitted by an applicant and determine if the application and proposed project meet the criteria set forth in this act. On July 28, 2020, by close of business, the Staff shall notify the applicant and the department which primary applications have been approved. The department shall then distribute the approved grants to the approved applicant(s) by close of business July 31, 2020.

(5) In the event two (2) or more applicants submit projects that include one (1) or more common census blocks, the Staff shall determine which proposed project best serves that census block or blocks using the following criteria:

(a) Maximum speeds, including both downstream and upstream,

(b) Total miles of fiber to be deployed based on the entire application, and

(c) Total value of the project, including both grant and match, with preference given to projects of greater value.

The applicant whose project is rejected based on the Staff's determination may, within three (3) days after the Staff's determination, revise its proposed project and refile an amended application with the Staff. The refiled project shall continue as the same designation (primary or secondary) as the rejected project.

(6) If after approval by the Staff of all primary applications, the department determines that the requested grants are greater than the monies in a given Grant Fund, the Staff shall determine a ranking of the primary applications for whichever Grant Fund is overdrawn. Such ranking shall be determined by the following criteria:

(a) Maximum speeds, including both downstream and upstream,

(b) Total miles of fiber to be deployed, and

(c) Total value of the project, including both grant and match, with preference given to projects of greater value.

After the Staff has determined primary application rankings, it shall transmit said rankings to the department for disbursement. The department shall disburse Grant Funds in order of the primary application rankings until all the Grant Funds are disbursed.

(7) Any secondary application by an applicant shall be submitted on or before July 29, 2020, and meet the same application content criteria as a primary application. The

department shall notify the Staff if there are any Grant Funds remaining after the department's distributions of Grant Funds for primary applications. In the event there are monies remaining in a given Grant Fund, the Staff shall review the secondary applications for approval. Upon its approval of secondary applications, the Staff shall notify the department of such application approvals by no later than the close of business on August 11, 2020, and the department shall distribute monies on a pro rata basis, as determined by the department, to all qualifying secondary applicants on or before August 14, 2020.

SECTION 6. (1) Each applicant receiving any Grant Funds under this act shall monthly file project status reports with the Public Utilities Staff. The initial project status report shall be due on or before September 15, 2020, and updates shall be provided on or before the fifteenth day of each month thereafter until such time as the project is completed. Such reports shall include the following information concerning the project: (a) a summary of the work performed, (b) an itemization of the expenditures on the project, (c) the number of miles of broadband fiber installed, (d) the number of residential properties along the route of the installed fiber, (e) the number of residential properties taking broadband service using the installed fiber, and (f) the estimated project completion percentage.

(2) Upon its completion of a project funded under this act, the applicant shall promptly file a notice of project completion

with the Public Utilities Staff. The notice shall contain the same information as is required to be provided in a monthly status report.

(3) The Public Utilities Staff may, in its discretion, conduct field audits, onsite audits, or engineering reviews regarding the matters set forth in the report or notice. The Staff may also require the applicant to provide such additional or other information or documentation that the Staff determines is reasonably necessary to ensure compliance with this act and the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established in Section 5001 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

(4) Except for the total amount of an applicant's expenditures, any and all financial information contained within an applicant's application, monthly status reports or notice of project completion, including, but not limited to, the cost of fiber or equipment and any other itemized expenditures, is and shall be treated as confidential and proprietary information. Such confidential and proprietary information may be submitted by the applicant to the Staff and/or the department under seal; and such information, if submitted under seal, shall be exempt from the provisions of the Mississippi Public Records Act of 1983 and withheld from public disclosure.

(5) If the Public Utilities Staff, after reviewing monthly status reports or a notice of project completion, determines that an applicant's project is not in compliance with this act, the Staff shall so notify the applicant in writing and provide the applicant with a reasonable opportunity to bring its project into compliance. If the Staff thereafter determines that the applicant has failed to bring its project into compliance, the Staff shall provide written notice of same to the applicant and the department.

(6) If the Staff, after reviewing a notice of project completion, finds that a funded project is in compliance with this act, then the Staff shall provide a written notice of compliance to the applicant and to the department.

(7) An applicant found by the Public Utilities Staff to be fully or materially noncompliant with this act shall return to the state all or a portion of the grant monies received, as determined by the department. Applicants shall confirm their understanding of these terms in their primary and/or secondary applications.

(8) The Mississippi Public Utilities Staff shall ensure grant monies are spent in compliance with this act and in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established in Section 5001 of the Coronavirus Aid, Relief, and Economic Security (CARES)

Act. Upon request of the Governor, Lieutenant Governor, the Speaker of the House, the Chairman of the Senate Energy Committee or the Chairman of the House Public Utilities Committee, the Staff shall provide a report of the status of the Grant Programs, provided that said report does not disclose any confidential or proprietary information.

SECTION 7. If any section, paragraph, sentence, clause, phrase or any part of this act is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no manner affected thereby but shall remain in full force and effect.

SECTION 8. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2020 Regular Session

Senate Bill 3047

Description: The Mississippi County and Municipality Emergency Relief Program; establish.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: None
Revenue: No
Vote type required: Majority
Effective date: Passage
Suspension measure: HC 69

History of Actions:

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 1  06/19   Suspend from Deadlines by HC 69
 2  06/19   (S) Referred To County Affairs
 3  06/22   (S) Title Suff Do Pass Comm Sub
 4  06/23   (S) Committee Substitute Adopted
 5  06/23   (S) Passed {Vote}
 6  06/24   (S) Transmitted To House
 7  06/25   (H) Referred To Rules
 8  06/27   (H) Title Suff Do Pass As Amended
 9  06/29   (H) Amended
10  06/29   (H) Passed As Amended {Vote}
11  06/29   (H) Immediate Release
12  06/29   (H) Returned For Concurrence
13  06/30   (S) Decline to Concur/Invite Conf
14  06/30   (S) Conferees Named Hill,McCaughn,Younger
15  06/30   (H) Conferees Named Byrd,Taylor,Smith
16  06/30   (S) Conference Report Filed
17  06/30   (H) Conference Report Filed
18  07/01   (H) Conference Report Adopted {Vote}
19  07/01   (H) Immediate Release
20  07/01   (S) Conference Report Adopted {Vote}
21  07/01   (S) Immediate Release
22  07/02   (S) Enrolled Bill Signed
23  07/02   (H) Enrolled Bill Signed
24  07/08   Law W/out Governor's Signature
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Amendments:
[H] Committee Amendment No 1 ***Adopted*** Voice Vote

Amendment Report for Senate Bill No. 3047
Conference Reports:
Conference Report

----- Additional Information -----

Senate Committee: County Affairs
House Committee: Rules

Principal Author: Hill
Additional Authors: Barnett, Blackwell, Branning, Butler, Chassaniol, DeBar, Fillingane, Harkins, Jackson (11th), Jackson (32nd), Jordan, McCaughn, McLendon, McMahan, Norwood, Parker, Parks, Seymour, Simmons (12th), Simmons (13th), Suber, Tate, Thomas, Thompson, Witherspoon, Younger

Title: AN ACT TO ESTABLISH THE MISSISSIPPI COUNTY AND MUNICIPALITY EMERGENCY RELIEF PROGRAM WHICH SHALL BE ADMINISTERED BY THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY TO REIMBURSE COUNTIES AND MUNICIPALITIES FOR ELIGIBLE EXPENDITURES INCURRED IN RESPONSE TO THE COVID-19 PANDEMIC; TO DEFINE TERMS; TO DEFINE THE TERM "ELIGIBLE EXPENDITURE" ACCORDING TO THE UNITED STATES TREASURY GUIDELINES; TO REQUIRE THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY TO PROMULGATE REGULATIONS AND DEVELOP PROCEDURES TO GOVERN THE ADMINISTRATION OF THE PROGRAM, INCLUDING A REIMBURSEMENT PROCESS; TO PROVIDE THAT THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY MAY RETAIN A CERTAIN AMOUNT OF FUNDS TO ADMINISTER THE PROGRAM; TO REQUIRE PARTICIPATING COUNTIES AND MUNICIPALITIES TO SUBMIT A CERTIFIED APPLICATION AND AN ITEMIZED RECEIPT AND/OR INVOICE IN ORDER TO BE REIMBURSED; TO DESCRIBE THE DISTRIBUTION OF FUNDS TO COUNTIES AND MUNICIPALITIES; TO PROVIDE THAT THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY SHALL DISBURSE THE FUNDS TO COUNTIES AND MUNICIPALITIES AS AUTHORIZED BY THIS ACT FROM THE COVID-19 FUND (FUND NUMBER 5820200000); TO PROVIDE THAT THE PROVISIONS OF THIS ACT ARE SEVERABLE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2020

By: Senator(s) Hill, Barnett, Blackwell, Branning, Butler, Chassaniol, DeBar, Fillingane, Harkins, Jackson (11th), Jackson (32nd), Jordan, McCaughn, McLendon, McMahan, Norwood, Parker, Parks, Seymour, Simmons (12th), Simmons (13th), Suber, Tate, Thomas, Thompson, Witherspoon, Younger

To: County Affairs

SENATE BILL NO. 3047
(As Sent to Governor)

AN ACT TO ESTABLISH THE MISSISSIPPI COUNTY AND MUNICIPALITY EMERGENCY RELIEF PROGRAM WHICH SHALL BE ADMINISTERED BY THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY TO REIMBURSE COUNTIES AND MUNICIPALITIES FOR ELIGIBLE EXPENDITURES INCURRED IN RESPONSE TO THE COVID-19 PANDEMIC; TO DEFINE TERMS; TO DEFINE THE TERM "ELIGIBLE EXPENDITURE" ACCORDING TO THE UNITED STATES TREASURY GUIDELINES; TO REQUIRE THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY TO PROMULGATE REGULATIONS AND DEVELOP PROCEDURES TO GOVERN THE ADMINISTRATION OF THE PROGRAM, INCLUDING A REIMBURSEMENT PROCESS; TO PROVIDE THAT THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY MAY RETAIN A CERTAIN AMOUNT OF FUNDS TO ADMINISTER THE PROGRAM; TO REQUIRE PARTICIPATING COUNTIES AND MUNICIPALITIES TO SUBMIT A CERTIFIED APPLICATION AND AN ITEMIZED RECEIPT AND/OR INVOICE IN ORDER TO BE REIMBURSED; TO DESCRIBE THE DISTRIBUTION OF FUNDS TO COUNTIES AND MUNICIPALITIES; TO PROVIDE THAT THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY SHALL DISBURSE THE FUNDS TO COUNTIES AND MUNICIPALITIES AS AUTHORIZED BY THIS ACT FROM THE COVID-19 FUND (FUND NUMBER 5820200000); TO PROVIDE THAT THE PROVISIONS OF THIS ACT ARE SEVERABLE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. There is established the Mississippi County and Municipality Emergency Relief Program, which shall be administered by the Mississippi Emergency Management Agency for the purpose of reimbursing counties and municipalities for eligible expenditures incurred in response to the COVID-19 pandemic.

SECTION 2. For purposes of this act, the following words shall have the meanings ascribed herein unless the context otherwise requires:

(a) "Program" means the Mississippi County and Municipality Emergency Relief Program established in this act.

(b) "Agency" means the Mississippi Emergency Management Agency.

(c) "County" means any county within the state.

(d) "Municipality" means any municipality within the state.

(e) "COVID-19" means the Coronavirus Disease 2019.

(f) "CARES Act" means the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act.

(g) "Coronavirus Relief Fund" means the fund created by the CARES Act.

(h) "Eligible expenditure" means a cost incurred that is reimbursable from funds received from the Coronavirus Relief Fund under the guidance and guidelines of the United States Department of the Treasury, including, but not limited to:

(i) Medical expenses such as:

1. COVID-19-related expenses of public hospitals, clinics, and similar facilities.

2. Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.

3. Costs of providing COVID-19 testing, including serological testing.

4. Emergency medical response expenses, including emergency medical transportation, related to COVID-19.

(ii) Public health expenses such as:

1. Expenses for communication and enforcement by territorial, local, and tribal governments of public health orders related to COVID-19.

2. Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.

3. Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency.

4. Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.

5. Expenses for public safety measures undertaken in response to COVID-19.

6. Expenses for quarantining individuals.

(iii) Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

(iv) Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:

1. Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.

2. Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.

3. Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.

4. COVID-19-related expenses of maintaining state prisons and county jails, including as it relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.

5. Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.

(v) Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:

1. Expenditures related to a state, territorial, local, or tribal government payroll support program.

2. Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

(vi) Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Coronavirus Relief Fund's eligibility criteria.

"Eligible expenditure" does not include expenses for the state share of Medicaid, damages covered by insurance, payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency, expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by states to state unemployment funds, reimbursement to donors for donated items or services, workforce bonuses other than hazard pay or overtime, severance pay, legal settlements or any other expenditure determined to be ineligible by the agency.

SECTION 3. (1) The agency shall:

(a) Promulgate regulations and develop procedures to govern the administration of this program, including a reimbursement process with a written form for each county or municipality to submit eligible expenditures to the agency and receive reimbursement from the agency;

(b) Inform each county and municipality of its portion of the funds set aside under Section 5 of this act;

(c) Inform each county and municipality of the requirements for reimbursement under the program, including the definition of an eligible expenditure under Section 2(h) of this act;

(d) Begin making initial disbursements to the counties and municipalities no later than August 15, 2020, for applicable, submitted eligible expenditures; and

(e) Continue to accept and reimburse rolling applications after August 15, 2020.

(2) The agency may retain up to Five Hundred Thousand Dollars ($500,000.00) of funds available under this act to administer this program.

SECTION 4. To be eligible under this grant program, a county or municipality shall submit:

(a) A Request for Public Assistance (RPA) to the agency, detailing each eligible expenditure;

(b) The original, itemized receipts and/or invoices of purchases and services paid by the county or municipality or the substantiated equivalent thereof as determined by the agency;

(c) Documentation of any funds received from any source to reimburse COVID-19-related expenses; and

(d) A specific job description of and rationale for any work performed by an employee who received hazard pay.

SECTION 5. Subject to appropriations by the Legislature each county or municipality shall have set aside a pro rata share of the monies in the funds for reimbursement of qualified expenditures according to the population of the county or municipality as listed in the 2010 U.S. Census.

SECTION 6. (1) Funds appropriated for purposes of this act shall be deposited into COVID-19 Fund (Fund Number 6820174100) and the agency shall create separate internal order numbers for county emergency relief assistance funds, from which the agency shall disburse the funds to counties as authorized by this act as well as the municipality emergency relief assistance funds, from which the agency shall disburse the funds to municipalities authorized by this act.

(2) All monies shall be disbursed from the COVID-19 Fund described in subsection (1) of this section in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus

Relief Fund established by the CARES Act. If on November 30, 2020, there are unobligated monies in the COVID-19 Fund described in subsection (1) of this section, including any undisbursed portion of a county's or municipality's pro-rata share, the Governor shall have the discretion to transfer monies to another state agency to be used for eligible expenditures pursuant to the CARES Act.

(3) The use of funds allocated under this program shall be subject to audit by the United States Department of the Treasury's Office of Inspector General and the Mississippi Office of the State Auditor. Each county or municipality, or other entity or person receiving funds under this program, found to be fully or partially noncompliant with the requirements in this act, shall return to the state all or a portion of the funds received.

SECTION 7. The agency shall report on the utilization of the program to the Chair of the County Affairs and Municipalities Committees of the Senate and the House of Representatives, the Lieutenant Governor, the Speaker of the House and the Governor by September 1, 2020. At a minimum, the report shall contain:

(a) The name of each participating county and municipality;

(b) The total amount of reimbursement requested by each county and municipality; and

(c) The total amount of reimbursement received by each county and municipality.

SECTION 8. If any section, paragraph, sentence, clause, phrase, or any part of this act is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no matter affected thereby but shall remain in full force and effect.

SECTION 9. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2020 Regular Session

Senate Bill 3048

Description: Ad valorem taxes; extend deadline for free port warehouses to submit required inventory to tax assessor due to COVID-19.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: None
Revenue: No
Vote type required: Majority
Effective date: Passage
Suspension measure: HC 69

History of Actions:

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 1  06/22  Suspend from Deadlines by HC 69
 2  06/22  (S) Referred To Finance
 3  06/22  (S) Title Suff Do Pass
 4  06/22  (S) Passed {Vote}
 5  06/22  (S) Immediate Release
 6  06/22  (S) Transmitted To House
 7  06/23  (H) Referred To Ways and Means
 8  06/26  (H) Title Suff Do Pass
 9  06/26  (H) Passed {Vote}
10  06/27  (H) Returned For Enrolling
11  06/29  (S) Enrolled Bill Signed
12  06/29  (H) Enrolled Bill Signed
13  07/03  Approved by Governor
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Code Section: A 027-0031-0055

----- Additional Information -----

Senate Committee: Finance
House Committee: Ways and Means

Principal Author: Harkins

Title: AN ACT TO AMEND SECTION 27-31-55, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT, IF A LICENSED FREE PORT WAREHOUSE FAILED TO SUBMIT THE INVENTORY REQUIRED TO BE FILED WITH THE TAX ASSESSOR BY THE MARCH 31, 2020, DEADLINE, DUE TO A REQUIRED OR VOLUNTARY CLOSURE OF THE BUSINESS, A FURLOUGH, LAYOFF OR OTHER REDUCTION IN STAFF OPERATIONS, OR THE CLOSURE OF COUNTY GOVERNMENT OFFICES RELATED TO CORONAVIRUS DISEASE 2019 (COVID-19), SUCH FREE PORT

WAREHOUSE MAY SUBMIT THE REQUIRED INVENTORY BY JULY 1, 2020; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Harkins To: Finance

SENATE BILL NO. 3048

AN ACT TO AMEND SECTION 27-31-55, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT, IF A LICENSED FREE PORT WAREHOUSE FAILED TO SUBMIT THE INVENTORY REQUIRED TO BE FILED WITH THE TAX ASSESSOR BY THE MARCH 31, 2020, DEADLINE, DUE TO A REQUIRED OR VOLUNTARY CLOSURE OF THE BUSINESS, A FURLOUGH, LAYOFF OR OTHER REDUCTION IN STAFF OPERATIONS, OR THE CLOSURE OF COUNTY GOVERNMENT OFFICES RELATED TO CORONAVIRUS DISEASE 2019 (COVID-19), SUCH FREE PORT WAREHOUSE MAY SUBMIT THE REQUIRED INVENTORY BY JULY 1, 2020; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-31-55, Mississippi Code of 1972, is amended as follows:

27-31-55. (1) Each licensed "free port warehouse" shall file with the tax assessor of each taxing jurisdiction in which such warehouse or storage facility may be located an inventory of all personal property consigned or transferred to such warehouse or storage facility and located therein on January 1 of each year. Such inventory shall be submitted on such forms and in such manner as the tax assessor may prescribe and shall contain a separate statement of all property eligible for exemption under Sections 27-31-51 through 27-31-61 and a separate statement of all property consigned or transferred to such warehouse or storage facility. Such inventory shall be submitted by not later than March 31 of each year. Exemption shall be allowed for all eligible property, but accurate records shall be kept of all personal property shipped from any such warehouse or storage facility, together with the point of final destination of the same, and reports thereof shall be filed with such taxing authorities of this state and in such form and manner as the tax assessor may prescribe. At the conclusion of each calendar year each licensee under Sections 27-31-51 through 27-31-61 shall calculate the actual percentage of all personal property consigned or transferred to the warehouse or storage facility which was shipped to a final destination outside the state in relation to the total of all such personal property shipped to any destination during such year. Such percentage shall then be applied to the total value of all property contained in the inventory of such warehouse or storage facility as of January 1 of such year which was consigned or transferred to such warehouse or storage facility. If the result thus obtained shall be less than the value of property for which exemption was allowed, then the amount of such difference shall be deducted from the amount of the exemption previously allowed and taxes shall be levied and collected thereon by the tax collecting officers concerned.

(2) If a licensed free port warehouse failed to submit the inventory required under subsection (1) of this section by March

31, 2020, due to measures related to Coronavirus Disease 2019 (COVID-19), because of either a required or voluntary closure of the business, a furlough, layoff or other reduction in staff operations, or the closure of county government offices, such free port warehouse may submit the required inventory by July 1, 2020.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2020 Regular Session

Senate Bill 3049

Description: Mississippi Back-to-Business Liability Assurance and Health Care Emergency Response Liability Protection Act; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: None
Revenue: No
Vote type required: Majority
Effective date: ** See Text

History of Actions:

1	06/22	Suspend from Deadlines by HC 69
2	06/22	(S) Referred To Judiciary, Division A
3	06/23	(S) Title Suff Do Pass
4	06/24	(S) Amended
5	06/24	(S) Passed As Amended {Vote}
6	06/25	(S) Transmitted To House
7	06/29	(H) Referred To Rules
8	06/29	(H) Title Suff Do Pass
9	06/30	(H) Tabled Subject To Call
10	06/30	(H) Amended
11	06/30	(H) Passed As Amended {Vote}
12	06/30	(H) Immediate Release
13	07/01	(H) Returned For Concurrence
14	07/01	(S) Concurred in Amend From House {Vote}
15	07/01	(S) Immediate Release
16	07/02	(S) Enrolled Bill Signed
17	07/02	(H) Enrolled Bill Signed
18	07/08	Approved by Governor

Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 3049

----- Additional Information -----

Senate Committee: Judiciary, Division A
House Committee: Rules

Principal Author: Doty

Additional Authors: Blackwell, Boyd, Branning, Caughman, Chassaniol, Chism, DeBar, DeLano, England, Harkins, McDaniel, McLendon, McMahan, Moran, Parker, Parks, Seymour, Sojourner, Sparks, Tate, Whaley, Younger

Title: AN ACT TO CREATE THE MISSISSIPPI BACK-TO-BUSINESS LIABILITY ASSURANCE AND HEALTH CARE EMERGENCY RESPONSE LIABILITY PROTECTION ACT; TO PROVIDE IMMUNITY FROM SUIT AND LIABILITY TO HEALTH CARE PROVIDERS AND HEALTH CARE FACILITIES THAT PROVIDE CARE DURING A STATE OF EMERGENCY AND CERTAIN CIRCUMSTANCES; TO DEFINE DUTY OF CARE FOR PREMISES OWNERS; TO PROVIDE IMMUNITY FROM SUIT AND LIABILITY FOR INDIVIDUALS, STATE AND LOCAL GOVERNMENT, ASSOCIATIONS, FOR-PROFIT AND NONPROFIT ENTITIES, RELIGIOUS AND CHARITABLE ORGANIZATIONS; TO PROVIDE SAFE HARBOR COMPLIANCE WITH PUBLIC HEALTH GUIDANCE; TO PROVIDE IMMUNITY FROM SUIT AND LIABILITY FOR PRODUCTS MADE, SOLD OR DONATED IN RESPONSE TO COVID-19 AND RELATED CIRCUMSTANCES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2020

By: Senator(s) Doty, Blackwell, Boyd, Branning, Caughman, Chassaniol, Chism, DeBar, DeLano, England, Harkins, McDaniel, McLendon, McMahan, Moran, Parker, Parks, Seymour, Sojourner, Sparks, Tate, Whaley, Younger

To: Judiciary, Division A

SENATE BILL NO. 3049
(As Sent to Governor)

AN ACT TO CREATE THE MISSISSIPPI BACK-TO-BUSINESS LIABILITY ASSURANCE AND HEALTH CARE EMERGENCY RESPONSE LIABILITY PROTECTION ACT; TO PROVIDE IMMUNITY FROM SUIT AND LIABILITY TO HEALTH CARE PROVIDERS AND HEALTH CARE FACILITIES THAT PROVIDE CARE DURING A STATE OF EMERGENCY AND CERTAIN CIRCUMSTANCES; TO DEFINE DUTY OF CARE FOR PREMISES OWNERS; TO PROVIDE IMMUNITY FROM SUIT AND LIABILITY FOR INDIVIDUALS, STATE AND LOCAL GOVERNMENT, ASSOCIATIONS, FOR-PROFIT AND NONPROFIT ENTITIES, RELIGIOUS AND CHARITABLE ORGANIZATIONS; TO PROVIDE SAFE HARBOR COMPLIANCE WITH PUBLIC HEALTH GUIDANCE; TO PROVIDE IMMUNITY FROM SUIT AND LIABILITY FOR PRODUCTS MADE, SOLD OR DONATED IN RESPONSE TO COVID-19 AND RELATED CIRCUMSTANCES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This act shall be known and may be cited as the "Mississippi Back-to-Business Liability Assurance and Health Care Emergency Response Liability Protection Act."

SECTION 2. As used in this act, the following words shall have the following meanings:

(a) "COVID-19" means the novel coronavirus identified as SARS-CoV-2, the disease, health condition or threat caused by the novel coronavirus SARS-CoV-2, or a virus mutating therefrom, and conditions associated with the disease.

(b) "COVID-19 State of Emergency" means:

(i) A public health emergency related to COVID-19 declared by the United States Secretary of Health and Human Services under Section 319 of the Public Health Service Act (42 USC Section 247d);

(ii) A Presidential declaration of emergency related to COVID-19 under the National Emergencies Act or the Stafford Act; or

(iii) A state of emergency related to COVID-19 proclaimed by the Governor of the State of Mississippi under Section 33-15-11(b)(17).

(c) "Disinfecting or cleaning supplies" includes, but is not limited to, hand sanitizers, cleaners, disinfectants, sprays and wipes intended for use in removal or mitigation of bacterial or viral disease-causing agents from surfaces or spaces.

(d) "First responder" means state and local law enforcement personnel, fire department personnel, emergency medical personnel, ambulance service provider personnel, emergency management personnel and public works personnel who may be deployed in response to the COVID-19 state of emergency.

(e) "Health care facility" means:

(i) Any facility in which health care services are provided, including, but not limited to, any licensed or state-approved facility; or

(ii) Any field hospital, modular field-treatment facility or other facility designated by the State Department of

Health or the Mississippi Emergency Management Agency for temporary use for the purpose of providing health care services related to the COVID-19 state of emergency.

(f) "Health care professional" means:

(i) A person who is licensed, registered, permitted, or certified in any state to provide health care services, whether paid or unpaid, including persons engaged in telemedicine or telehealth, and any employee, agent or contractor of such person;

(ii) An emergency medical technician who is licensed in any state; or

(iii) A volunteer or military personnel who is approved by or works under the direction of the State Department of Health or the Mississippi Emergency Management Agency and who provides health care services in response to the COVID-19 state of emergency in the State of Mississippi.

(g) "Health care services" means any care, treatment, service, or procedure to maintain, diagnose or otherwise affect an individual's physical or mental condition.

(h) "Person" means an individual, the state and political subdivisions as defined in Section 11-46-1, association, educational entity, for-profit or nonprofit entity, religious organization or charitable organization.

(i) "Personal protective equipment" means coveralls, face shields, gloves, gowns, masks, respirators or other equipment designed to protect the wearer from the spread of infection or illness.

(j) "Premises" means any physical place serving a commercial, residential, educational, religious, governmental, cultural, charitable or health care purpose.

(k) "Public health guidance" means written guidance related to the COVID-19 state of emergency that is issued by an executive agency or regulatory agency of the federal government or an executive agency of the State of Mississippi.

(l) "Qualified product" means personal protective equipment used to protect the wearer from COVID-19 or the spread of COVID-19; medical devices, equipment, and supplies used to treat a person with COVID-19, including products that are used or modified for an unapproved use to treat COVID-19 or prevent the spread of COVID-19; medical devices, equipment, or supplies utilized outside of the product's normal use to treat a person with COVID-19 or to prevent the spread of COVID-19; medications used to treat COVID-19, including medications prescribed or dispensed for off-label use to attempt to combat COVID-19; tests to diagnose or determine immunity to COVID-19 which have been approved by or submitted to the United States Food and Drug Administration ("FDA") for approval within FDA-prescribed time periods; and components of qualified products.

SECTION 3. (1) A person, or agent of that person, who attempts in good faith to follow applicable public health guidance shall be immune from suit for civil damages for any injuries or death resulting from or related to actual or alleged exposure or potential exposure to COVID-19 in the course of or through the performance or provision of its functions or services.

(2) A person, or agent of that person, shall be immune from suit for civil damages for injuries or death resulting from or related to actual or alleged exposure or potential exposure to COVID-19 in the course of or through the performance or provision of its functions or services in the time before applicable public health guidance was available.

(3) An owner, lessee, occupant or any other person in control of a premises, who attempts, in good faith, to follow applicable public health guidance and directly or indirectly invites or permits any person onto a premises shall be immune from suit for civil damages for any injuries or death resulting from or related to actual or alleged exposure or potential exposure to COVID-19.

SECTION 4. (1) Any health care professional or health care facility shall be immune from suit for any injury or death directly or indirectly sustained because of the health care professional's or health care facility's acts or omissions while providing health care services related to a COVID-19 state of emergency. The immunity takes effect when the COVID-19 state of emergency is declared, applies to any health care services performed during the COVID-19 state of emergency, including any period of renewal or extension, and terminates one (1) year after the end of the COVID-19 state of emergency. The immunity includes, but is not limited to, injury or death resulting from screening, assessing, diagnosing or treating persons in relation to the COVID-19 state of emergency or the medical conditions causing the COVID-19 state of emergency, or acts or omissions while providing health care services to persons unrelated to the COVID-19 state of emergency when those acts or omissions were intended to support the state's response to the COVID-19 state of emergency, including, but not limited to, the following:

(a) Delaying or cancelling nonurgent or elective dental, medical or surgical procedures, or altering the diagnosing or treatment of any person in response to an order, directive or guideline issued by the federal, state or a local government;

(b) Diagnosing or treating patients outside the normal scope of the health care professional's license or practice;

(c) Using equipment or supplies outside of the product's normal use for medical practice and the provision of health care services, including using or modifying a medical device for an unapproved use or indication;

(d) Prescribing, administering or dispensing a pharmaceutical for off-label use to treat a patient in relation to a COVID-19 state of emergency;

(e) Conducting tests or providing treatment to any person outside of the premises of standard health care facilities; or

(f) Acts or omissions undertaken by a health care professional or health care facility because of a lack of staffing, facilities, equipment, supplies or other resources attributable to the COVID-19 state of emergency that make it impractical for the health care professional or health care facility to provide the level or manner of care to any person that otherwise would have been required in the absence of the COVID-19 state of emergency.

(2) This act shall be liberally construed with regard to immunizing health care professionals or health care facilities for acts or omissions undertaken while providing health care services related to a COVID-19 state of emergency.

SECTION 5. (1) A person who designs, manufactures, labels, sells, distributes, or donates a qualified product in response to COVID-19 shall be immune from suit for civil damages for any injuries resulting from or related to actual or alleged exposure or potential exposure to COVID-19 caused by a qualified product.

(2) A person who designs, manufactures, labels, sells, distributes, or donates disinfecting or cleaning supplies or personal protective equipment in response to COVID-19 outside the ordinary course of the person's business shall be immune from suit for civil damages for any injuries resulting from or related to

actual or alleged exposure or potential exposure to COVID-19 caused by the disinfecting or cleaning supplies or personal protective equipment.

SECTION 6. (1) Notwithstanding any other provision of this act, the immunities provided in this act shall not apply where the plaintiff shows, by clear and convincing evidence, that a defendant, or any employee or agent thereof, acted with actual malice or willful, intentional misconduct.

(2) Nothing in this act:

(a) Creates, recognizes or ratifies a claim or cause of action of any kind;

(b) Eliminates a required element of any claim;

(c) Affects workers' compensation law, including the exclusive application of such law; or

(d) Amends, repeals, alters or affects any other immunity or limitation of liability.

SECTION 7. Except as otherwise provided in Section 11-46-11, a person must bring suit for any alleged injury arising from COVID-19 not later than two (2) years after the day the cause of action accrues.

SECTION 8. This act shall take effect and be in force from and after March 14, 2020, and expire one (1) year after the end of the COVID-19 state of emergency, except that any civil liability arising out of acts or omissions or related to an injury that occurred during the operation of this act shall be subject to its provisions in perpetuity. It is the intent of the Legislature that this act take effect retroactively.

Mississippi Legislature
2020 Regular Session

Senate Bill 3051

Description: Unemployment compensation; create special provisions for 2021 general and individual experience rates due to COVID-19.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: None
Revenue: No
Vote type required: Majority
Effective date: July 1, 2020
Suspension measure: HC 69

History of Actions:

1	06/24		Suspend from Deadlines by HC 69
2	06/24	(S)	Referred To Economic and Workforce Development
3	06/25	(S)	Title Suff Do Pass
4	06/26	(S)	Passed {Vote}
5	06/26	(S)	Motion to Reconsider Entered
6	06/27	(S)	Motion to Reconsider Tabled
7	06/27	(S)	Transmitted To House
8	06/28	(H)	Referred To Rules
9	06/28	(H)	Title Suff Do Pass
10	06/29	(H)	Passed {Vote}
11	06/29	(H)	Immediate Release
12	06/29	(H)	Returned For Enrolling
13	06/29	(S)	Enrolled Bill Signed
14	06/29	(H)	Enrolled Bill Signed
15	07/06		Law W/out Governor's Signature

Code Section: A 071-0005-0355, A 071-0005-0353

----- Additional Information -----

Senate Committee: Economic and Workforce Development
House Committee: Rules

Principal Author: Parker

Title: AN ACT TO AMEND SECTION 71-5-355, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE GENERAL EXPERIENCE RATE FOR 2021 SHALL BE 0%; TO PROVIDE THAT CHARGES ATTRIBUTED TO EACH EMPLOYER'S INDIVIDUAL EXPERIENCE RATE FOR THE PERIOD MARCH 8, 2020, THROUGH JUNE 30, 2020, WILL NOT IMPACT THE EMPLOYER'S INDIVIDUAL EXPERIENCE RATE CALCULATIONS FOR PURPOSES OF CALCULATING THE TOTAL UNEMPLOYMENT INSURANCE RATE FOR 2021 AND THE TWO SUBSEQUENT TAX RATE YEARS; TO PROVIDE THAT CHARGES ATTRIBUTED TO EACH EMPLOYER'S INDIVIDUAL EXPERIENCE RATE FOR THE PERIOD JULY 1, 2020, THROUGH DECEMBER 31, 2020, WILL NOT IMPACT THE EMPLOYER'S INDIVIDUAL EXPERIENCE RATE CALCULATIONS FOR PURPOSES OF CALCULATING THE TOTAL UNEMPLOYMENT INSURANCE RATE FOR 2022 AND THE TWO SUBSEQUENT TAX RATE YEARS; TO AMEND SECTION 71-5-353, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CONTRIBUTION COLLECTIONS FOR THE STATE WORKFORCE INVESTMENT, MISSISSIPPI WORKS AND MISSISSIPPI WORKFORCE ENHANCEMENT TRAINING FUNDS SHALL NOT BE SUSPENDED FOR TAX RATE YEAR 2021, AND THE RESULTING CONTRIBUTION RATE OF.20% SHALL BE ADDED TO THE EMPLOYER'S GENERAL AND INDIVIDUAL EXPERIENCE RATE TO OBTAIN THE TOTAL UNEMPLOYMENT INSURANCE RATE FOR 2021; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2020

By: Senator(s) Parker

To: Economic and Workforce Development

SENATE BILL NO. 3051

AN ACT TO AMEND SECTION 71-5-355, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE GENERAL EXPERIENCE RATE FOR 2021 SHALL BE 0%; TO PROVIDE THAT CHARGES ATTRIBUTED TO EACH EMPLOYER'S INDIVIDUAL EXPERIENCE RATE FOR THE PERIOD MARCH 8, 2020, THROUGH JUNE 30, 2020, WILL NOT IMPACT THE EMPLOYER'S INDIVIDUAL EXPERIENCE RATE CALCULATIONS FOR PURPOSES OF CALCULATING THE TOTAL UNEMPLOYMENT INSURANCE RATE FOR 2021 AND THE TWO SUBSEQUENT TAX RATE YEARS; TO PROVIDE THAT CHARGES ATTRIBUTED TO EACH EMPLOYER'S INDIVIDUAL EXPERIENCE RATE FOR THE PERIOD JULY 1, 2020, THROUGH DECEMBER 31, 2020, WILL NOT IMPACT THE EMPLOYER'S INDIVIDUAL EXPERIENCE RATE CALCULATIONS FOR PURPOSES OF CALCULATING THE TOTAL UNEMPLOYMENT INSURANCE RATE FOR 2022 AND THE TWO SUBSEQUENT TAX RATE YEARS; TO AMEND SECTION 71-5-353, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CONTRIBUTION COLLECTIONS FOR THE STATE WORKFORCE INVESTMENT, MISSISSIPPI WORKS AND MISSISSIPPI WORKFORCE ENHANCEMENT TRAINING FUNDS SHALL NOT BE SUSPENDED FOR TAX RATE YEAR 2021, AND THE RESULTING CONTRIBUTION RATE OF .20% SHALL BE ADDED TO THE EMPLOYER'S GENERAL AND INDIVIDUAL EXPERIENCE RATE TO OBTAIN THE TOTAL UNEMPLOYMENT INSURANCE RATE FOR 2021; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 71-5-355, Mississippi Code of 1972, is amended as follows:

71-5-355. (1) As used in this section, the following words and phrases shall have the following meanings, unless the context clearly requires otherwise:

(a) "Tax year" means any period beginning on January 1 and ending on December 31 of a year.

(b) "Computation date" means June 30 of any calendar year immediately preceding the tax year during which the particular contribution rates are effective.

(c) "Effective date" means January 1 of the tax year.

(d) Except as hereinafter provided, "payroll" means the total of all wages paid for employment by an employer as defined in Section 71-5-11, subsection H, plus the total of all remuneration paid by such employer excluded from the definition of wages by Section 71-5-351. For the computation of modified rates, "payroll" means the total of all wages paid for employment by an employer as defined in Section 71-5-11, subsection H.

(e) For the computation of modified rates, "eligible employer" means an employer whose experience-rating record has been chargeable with benefits throughout the thirty-six (36) consecutive calendar-month period ending on the computation date, except that any employer who has not been subject to the Mississippi Employment Security Law for a period of time sufficient to meet the thirty-six (36) consecutive calendar-month requirement shall be an eligible employer if his experience-rating record has been chargeable throughout not less than the twelve (12) consecutive calendar-month period ending on the computation date. No employer shall be considered eligible for a contribution rate less than five and four-tenths percent (5.4%) with respect to any tax year, who has failed to file any two (2) quarterly reports within the qualifying period by September 30 following the computation date. No employer or employing unit shall be eligible for a contribution rate of less than five and four-tenths percent (5.4%) for the tax year in which the employing unit is found by the department to be in violation of Section 71-5-19(2) or (3) and for the next two (2) succeeding tax years. No representative of such employing unit who was a party to a violation as described in Section 71-5-19(2) or (3), if such representative was or is an employing unit in this state, shall be eligible for a contribution rate of less than five and four-tenths percent (5.4%) for the tax year in which such violation was detected by the department and for the next two (2) succeeding tax years.

(f) With respect to any tax year, "reserve ratio" means the ratio which the total amount available for the payment of benefits in the Unemployment Compensation Fund, excluding any amount which has been credited to the account of this state under Section 903 of the Social Security Act, as amended, and which has been appropriated for the expenses of administration pursuant to Section 71-5-457 whether or not withdrawn from such account, on October 31 (close of business) of each calendar year bears to the aggregate of the taxable payrolls of all employers for the twelve (12) calendar months ending on June 30 next preceding.

(g) "Modified rates" means the rates of employer unemployment insurance contributions determined under the provisions of this chapter and the rates of newly subject employers, as provided in Section 71-5-353.

(h) For the computation of modified rates, "qualifying period" means a period of not less than the thirty-six (36) consecutive calendar months ending on the computation date throughout which an employer's experience-rating record has been chargeable with benefits; except that with respect to any eligible employer who has not been subject to this article for a period of time sufficient to meet the thirty-six (36) consecutive calendar-month requirement, "qualifying period" means the period ending on the computation date throughout which his experience-rating record has been chargeable with benefits, but in no event less than the twelve (12) consecutive calendar-month period ending on the computation date throughout which his experience-rating record has been so chargeable.

(i) The "exposure criterion" (EC) is defined as the cash balance of the Unemployment Compensation Fund which is available for the payment of benefits as of November 16 of each calendar year or the next working day if November 16 falls on a holiday or a weekend, divided by the total wages, exclusive of wages paid by all state agencies, all political subdivisions, reimbursable nonprofit corporations, and tax-exempt public service employment, for the twelve-month period ending June 30 immediately preceding such date. The EC shall be computed to four (4) decimal places and rounded up if any fraction remains.

(j) The "cost rate criterion" (CRC) is defined as follows: Beginning with January 1974, the benefits paid for the twelve-month period ending December 1974 are summed and divided by the total wages for the twelve-month period ending on June 30, 1975. Similar ratios are computed by subtracting the earliest month's benefit payments and adding the benefits of the next month in the sequence and dividing each sum of twelve (12) months' benefits by the total wages for the twelve-month period ending on the June 30 which is nearest to the final month of the period used to compute the numerator. If December is the final month of the period used to compute the numerator, then the twelve-month period ending the following June 30 will be used for the denominator. Benefits and total wages used in the computation of the cost rate criterion shall exclude all benefits and total wages applicable to state agencies, political subdivisions, reimbursable nonprofit corporations, and tax-exempt PSE employment.

The CRC shall be computed as the average for the highest monthly value of the cost rate criterion computations during each of the economic cycles since the calendar year 1974 as defined by the National Bureau of Economic Research. The CRC shall be computed to four (4) decimal places and any remainder shall be rounded up.

The CRC shall be adjusted only through annual computations and additions of future economic cycles.

(k) "Size of fund index" (SOFI) is defined as the ratio of the exposure criterion (EC) to the cost rate criterion (CRC). The target size of fund index will be fixed at 1.0. If the insured unemployment rate (IUR) exceeds a four and five-tenths percent (4.5%) average for the most recent completed July to June period, the target SOFI will be .8 and will remain at that level until the computed SOFI (the average exposure criterion of the current year and the preceding year divided by the average cost rate criterion) equals 1.0 or the average IUR falls to four and five-tenths percent (4.5%) or less for any period July to June. However, if the IUR falls below two and five-tenths percent (2.5%) for any period July to June the target SOFI shall be 1.2 until such time as the computed SOFI is equal to or greater than 1.0 or the IUR is equal to or greater than two and five-tenths percent (2.5%), at which point the target SOFI shall return to 1.0.

(l) No employer's unemployment contribution general experience rate plus individual unemployment experience rate shall exceed five and four-tenths percent (5.4%). Accrual rules shall apply for purposes of computing contribution rates including associated functions.

(m) The term "general experience rate" has the same meaning as the minimum tax rate.

(2) Modified rates:

(a) For any tax year, when the reserve ratio on the preceding November 16, in the case of any tax year, equals or exceeds three percent (3%), the modified rates, as hereinafter prescribed, shall be in effect. In computation of this reserve ratio, any remainder shall be rounded down.

(b) Modified rates shall be determined for the tax year for each eligible employer on the basis of his experience-rating record in the following manner:

(i) The department shall maintain an experience-rating record for each employer. Nothing in this chapter shall be construed to grant any employer or individuals performing services for him any prior claim or rights to the amounts paid by the employer into the fund.

(ii) Benefits paid to an eligible individual shall be charged against the experience-rating record of his base period employers in the proportion to which the wages paid by each base period employer bears to the total wages paid to the individual by all the base period employers, provided that benefits shall not be charged to an employer's experience-rating record if the department finds that the individual:

1. Voluntarily left the employ of such employer without good cause attributable to the employer or to accept other work;

2. Was discharged by such employer for misconduct connected with his work;

3. Refused an offer of suitable work by such employer without good cause, and the department further finds that

such benefits are based on wages for employment for such employer prior to such voluntary leaving, discharge or refusal of suitable work, as the case may be;

4. Had base period wages which included wages for previously uncovered services as defined in Section 71-5-511(e) to the extent that the Unemployment Compensation Fund is reimbursed for such benefits pursuant to Section 121 of Public Law 94-566;

5. Extended benefits paid under the provisions of Section 71-5-541 which are not reimbursable from federal funds shall be charged to the experience-rating record of base period employers;

6. Is still working for such employer on a regular part-time basis under the same employment conditions as hired. Provided, however, that benefits shall be charged against an employer if an eligible individual is paid benefits who is still working for such employer on a part-time "as-needed" basis;

7. Was hired to replace a United States serviceman or servicewoman called into active duty and was laid off upon the return to work by that serviceman or servicewoman, unless such employer is a state agency or other political subdivision or instrumentality of the state;

8. Was paid benefits during any week while in training with the approval of the department, under the provisions of Section 71-5-513B, or for any week while in training approved

under Section 236(a)(1) of the Trade Act of 1974, under the provisions of Section 71-5-513C;

9. Is not required to serve the one-week waiting period as described in Section 71-5-505(2). In that event, only the benefits paid in lieu of the waiting period week may be noncharged; or

10. Was paid benefits as a result of a fraudulent claim, provided notification was made to the Mississippi Department of Employment Security in writing or by email by the employer, within ten (10) days of the mailing of the notice of claim filed to the employer's last-known address.

(iii) Notwithstanding any other provision contained herein, an employer shall not be noncharged when the department finds that the employer or the employer's agent of record was at fault for failing to respond timely or adequately to the request of the department for information relating to an unemployment claim that was subsequently determined to be improperly paid, unless the employer or the employer's agent of record shows good cause for having failed to respond timely or adequately to the request of the department for information. For purposes of this subparagraph "good cause" means an event that prevents the employer or employer's agent of record from timely responding, and includes a natural disaster, emergency or similar event, or an illness on the part of the employer, the employer's agent of record, or their staff charged with responding to such inquiries when there is no other individual who has the knowledge or ability to respond. Any agency error that resulted in a delay in, or the failure to deliver notice to, the employer or the employer's agent of record shall also be considered good cause for purposes of this subparagraph.

(iv) The department shall compute a benefit ratio for each eligible employer, which shall be the quotient obtained by dividing the total benefits charged to his experience-rating record during the period his experience-rating record has been chargeable, but not less than the twelve (12) consecutive calendar-month period nor more than the thirty-six (36) consecutive calendar-month period ending on the computation date, by his total taxable payroll for the same period on which all unemployment insurance contributions due have been paid on or before the September 30 immediately following the computation date. Such benefit ratio shall be computed to the tenth of a percent (.1%), rounding any remainder to the next higher tenth.

(v) 1. The unemployment insurance contribution rate for each eligible employer shall be the sum of two (2) rates: his individual experience rate in the range from zero percent (0%) to five and four-tenths percent (5.4%), plus a general experience rate. In no event shall the resulting unemployment insurance rate be in excess of five and four-tenths percent (5.4%), however, it is the intent of this section to provide the ability for employers to have a tax rate, the general experience rate plus the individual experience rate, of up to five and four-tenths percent (5.4%).

2. The employer's individual experience rate shall be equal to his benefit ratio as computed under subsection (2)(b)(iv) above.

3. The general experience rate shall be determined in the following manner: The department shall determine annually, for the thirty-six (36) consecutive calendar-month period ending on the computation date, the amount of benefits which were not charged to the record of any employer and of benefits which were ineffectively charged to the employer's experience-rating record. For the purposes of this item 3, the term "ineffectively charged benefits" shall include:

a. The total of the amounts of benefits charged to the experience-rating records of all eligible employers which caused their benefit ratios to exceed five and four-tenths percent (5.4%);

b. The total of the amounts of benefits charged to the experience-rating records of all ineligible employers which would cause their benefit ratios to exceed five and four-tenths percent (5.4%) if they were eligible employers; and

c. The total of the amounts of benefits charged or chargeable to the experience-rating record of any employer who has discontinued his business or whose coverage has been terminated within such period; provided, that solely for the purposes of determining the amounts of ineffectively charged benefits as herein defined, a "benefit ratio" shall be computed for each ineligible employer, which shall be the quotient obtained by dividing the total benefits charged to his experience-rating record throughout the period ending on the computation date, during which his experience-rating record has been chargeable with benefits, by his total taxable payroll for the same period on which all unemployment insurance contributions due have been paid on or before the September 30 immediately following the computation date; and provided further, that such benefit ratio shall be computed to the tenth of one percent (.1%) and any remainder shall be rounded to the next higher tenth.

The ratio of the sum of these amounts (subsection (2)(b)(v)3a, b and c) to the taxable wages paid during the same period divided by all eligible employers whose benefit ratio did not exceed five and four-tenths percent (5.4%), computed to the next higher tenth of one percent (.1%), shall be the general experience rate; however, the general experience rate for rate year 2014 shall be two tenths of one percent (.2%) and to that will be added the employer's individual experience rate for the total unemployment insurance rate.

4. a. Except as otherwise provided in this item 4, the general experience rate shall be adjusted by use of the size of fund index factor. This factor may be positive or

negative, and shall be determined as follows: From the target SOFI, as defined in subsection (1)(k) of this section, subtract the simple average of the current and preceding years' exposure criterions divided by the cost rate criterion, as defined in subsection (1)(j) of this section. The result is then multiplied by the product of the CRC, as defined in subsection (1)(j) of this section, and total wages for the twelve-month period ending June 30 divided by the taxable wages for the twelve-month period ending June 30. This is the percentage positive or negative added to the general experience rate. The sum of the general experience rate and the trust fund adjustment factor shall be multiplied by fifty percent (50%) and this product shall be computed to one (1) decimal place, and rounded to the next higher tenth.

b. Notwithstanding the minimum rate provisions as set forth in subsection (1)(l) of this section, the general experience rate of all employers shall be reduced by seven one-hundredths of one percent (.07%) for calendar year 2013 only.

5. The general experience rate shall be zero percent (0%) unless the general experience ratio for any tax year as computed and adjusted on the basis of the trust fund adjustment factor and reduced by fifty percent (50%) is an amount equal to or greater than two-tenths of one percent (.2%), then the general experience rate shall be the computed general experience ratio and adjusted on the basis of the trust fund adjustment factor and reduced by fifty percent (50%); however, in no case shall the sum

of the general experience plus the individual experience unemployment insurance rate exceed five and four-tenths percent (5.4%). For rate years subsequent to 2014, Mississippi Workforce Enhancement Training contribution rate, and/or State Workforce Investment contribution rate, and/or Mississippi Works contribution rate, when in effect, shall be added to the unemployment contribution rate, regardless of whether the addition of this contribution rate causes the total contribution rate for the employer to exceed five and four-tenths percent (5.4%).

6. The department shall include in its annual rate notice to employers a brief explanation of the elements of the general experience rate, and shall include in its regular publications an annual analysis of benefits not charged to the record of any employer, and of the benefit experience of employers by industry group whose benefit ratio exceeds four percent (4%), and of any other factors which may affect the size of the general experience rate.

7. Notwithstanding any other provision contained herein, the general experience rate for calendar year 2021 shall be zero percent (0%). Charges attributed to each employer's individual experience rate for the period March 8, 2020, through June 30, 2020, will not impact the employer's individual experience rate calculations for purposes of calculating the total unemployment insurance rate for 2021 and the two (2) subsequent tax rate years. Moreover, charges attributed

to each employer's individual experience rate for the period July 1, 2020, through December 31, 2020, will not impact the employer's individual experience rate calculations for purposes of calculating the total unemployment insurance rate for 2022 and the two (2) subsequent tax rate years.

(vi) When any employing unit in any manner succeeds to or acquires the organization, trade, business or substantially all the assets thereof of an employer, excepting any assets retained by such employer incident to the liquidation of his obligations, whether or not such acquiring employing unit was an employer within the meaning of Section 71-5-11, subsection H, prior to such acquisition, and continues such organization, trade or business, the experience-rating and payroll records of the predecessor employer shall be transferred as of the date of acquisition to the successor employer for the purpose of rate determination.

(vii) When any employing unit succeeds to or acquires a distinct and severable portion of an organization, trade or business, the experience-rating and payroll records of such portion, if separately identifiable, shall be transferred to the successor upon:

1. The mutual consent of the predecessor and the successor;

2. Approval of the department;

3. Continued operation of the transferred portion by the successor after transfer; and

4. The execution and the filing with the department by the predecessor employer of a waiver relinquishing all rights to have the experience-rating and payroll records of the transferred portion used for the purpose of determining modified rates of contribution for such predecessor.

(viii) If the successor was an employer subject to this chapter prior to the date of acquisition, it shall continue to pay unemployment insurance contributions at the rate applicable to it from the date the acquisition occurred until the end of the then current tax year. If the successor was not an employer prior to the date of acquisition, it shall pay unemployment insurance contributions at the rate applicable to the predecessor or, if more than one (1) predecessor and the same rate is applicable to both, the rate applicable to the predecessor or predecessors, from the date the acquisition occurred until the end of the then current tax year. If the successor was not an employer prior to the date the acquisition occurred and simultaneously acquires the businesses of two (2) or more employers to whom different rates of unemployment insurance contributions are applicable, it shall pay unemployment insurance contributions from the date of the acquisition until the end of the current tax year at a rate computed on the basis of the combined experience-rating and payroll records of the predecessors as of the computation date for such tax year. In all cases the rate of unemployment insurance contributions applicable to such successor for each succeeding tax year shall be computed on the basis of the combined experience-rating and payroll records of the successor and the predecessor or predecessors.

(ix) The department shall notify each employer quarterly of the benefits paid and charged to his experience-rating record; and such notification, in the absence of an application for redetermination filed within thirty (30) days after the date of such notice, shall be final, conclusive and binding upon the employer for all purposes. A redetermination, made after notice and opportunity for a fair hearing, by a hearing officer designated by the department who shall consider and decide these and related applications and protests; and the finding of fact in connection therewith may be introduced into any subsequent administrative or judicial proceedings involving the determination of the rate of unemployment insurance contributions of any employer for any tax year, and shall be entitled to the same finality as is provided in this subsection with respect to the findings of fact in proceedings to redetermine the contribution rate of an employer.

(x) The department shall notify each employer of his rate of contribution as determined for any tax year as soon as reasonably possible after September 1 of the preceding year. Such determination shall be final, conclusive and binding upon such employer unless, within thirty (30) days after the date of such notice to his last-known address, the employer files with the department an application for review and redetermination of his contribution rate, setting forth his reasons therefor. If the department grants such review, the employer shall be promptly notified thereof and shall be afforded an opportunity for a fair hearing by a hearing officer designated by the department who shall consider and decide these and related applications and protests; but no employer shall be allowed, in any proceeding involving his rate of unemployment insurance contributions or contribution liability, to contest the chargeability to his account of any benefits paid in accordance with a determination, redetermination or decision pursuant to Sections 71-5-515 through 71-5-533 except upon the ground that the services on the basis of which such benefits were found to be chargeable did not constitute services performed in employment for him, and then only in the event that he was not a party to such determination, redetermination, decision or to any other proceedings provided in this chapter in which the character of such services was determined. The employer shall be promptly notified of the denial of this application or of the redetermination, both of which shall become final unless, within ten (10) days after the date of notice thereof, there shall be an appeal to the department itself. Any such appeal shall be on the record before said designated hearing officer, and the decision of said department shall become final unless, within thirty (30) days after the date of notice thereof to the employer's last-known address, there shall be an appeal to the Circuit Court of the First Judicial District of Hinds County, Mississippi, in accordance with the provisions of law with respect to review of civil causes by certiorari.

(3) Notwithstanding any other provision of law, the following shall apply regarding assignment of rates and transfers of experience:

(a) (i) If an employer transfers its trade or business, or a portion thereof, to another employer and, at the time of the transfer, there is substantially common ownership, management or control of the two (2) employers, then the unemployment experience attributable to the transferred trade or business shall be transferred to the employer to whom such business is so transferred. The rates of both employers shall be recalculated and made effective on January 1 of the year following the year the transfer occurred.

(ii) If, following a transfer of experience under subparagraph (i) of this paragraph (a), the department determines that a substantial purpose of the transfer of trade or business was to obtain a reduced liability of unemployment insurance contributions, then the experience-rating accounts of the employers involved shall be combined into a single account and a single rate assigned to such account.

(b) Whenever a person who is not an employer or an employing unit under this chapter at the time it acquires the trade or business of an employer, the unemployment experience of the acquired business shall not be transferred to such person if the department finds that such person acquired the business solely or primarily for the purpose of obtaining a lower rate of unemployment insurance contributions. Instead, such person shall be assigned the new employer rate under Section 71-5-353. In determining whether the business was acquired solely or primarily for the purpose of obtaining a lower rate of unemployment insurance contributions, the department shall use objective factors which may include the cost of acquiring the business, whether the person continued the business enterprise of the acquired business, how long such business enterprise was continued, or whether a substantial number of new employees were hired for performance of duties unrelated to the business activity conducted prior to acquisition.

(c) (i) If a person knowingly violates or attempts to violate paragraph (a) or (b) of this subsection or any other provision of this chapter related to determining the assignment of a contribution rate, or if a person knowingly advises another person in a way that results in a violation of such provision, the person shall be subject to the following penalties:

1. If the person is an employer, then such employer shall be assigned the highest rate assignable under this

chapter for the rate year during which such violation or attempted violation occurred and the three (3) rate years immediately following this rate year. However, if the person's business is already at such highest rate for any year, or if the amount of increase in the person's rate would be less than two percent (2%) for such year, then a penalty rate of unemployment insurance contributions of two percent (2%) of taxable wages shall be imposed for such year. The penalty rate will apply to the successor business as well as the related entity from which the employees were transferred in an effort to obtain a lower rate of unemployment insurance contributions.

2. If the person is not an employer, such person shall be subject to a civil money penalty of not more than Five Thousand Dollars ($5,000.00). Each such transaction for which advice was given and each occurrence or reoccurrence after notification being given by the department shall be a separate offense and punishable by a separate penalty. Any such fine shall be deposited in the penalty and interest account established under Section 71-5-114.

(ii) For purposes of this paragraph (c), the term "knowingly" means having actual knowledge of or acting with deliberate ignorance or reckless disregard for the prohibition involved.

(iii) For purposes of this paragraph (c), the term "violates or attempts to violate" includes, but is not limited to, intent to evade, misrepresentation or willful nondisclosure.

(iv) In addition to the penalty imposed by subparagraph (i) of this paragraph (c), any violation of this subsection may be punishable by a fine of not more than Ten Thousand Dollars ($10,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment. This subsection shall prohibit prosecution under any other criminal statute of this state.

(d) The department shall establish procedures to identify the transfer or acquisition of a business for purposes of this subsection.

(e) For purposes of this subsection:

(i) "Person" has the meaning given such term by Section 7701(a)(1) of the Internal Revenue Code of 1986; and

(ii) "Employing unit" has the meaning as set forth in Section 71-5-11.

(f) This subsection shall be interpreted and applied in such a manner as to meet the minimum requirements contained in any guidance or regulations issued by the United States Department of Labor.

SECTION 2. Section 71-5-353, Mississippi Code of 1972, is amended as follows:

71-5-353. (1) (a) Each employer shall pay unemployment insurance contributions equal to five and four-tenths percent (5.4%) of taxable wages paid by him each calendar year, except as may be otherwise provided in Section 71-5-361 and except that each newly subject employer shall pay unemployment insurance contributions at the rate of one percent (1%) of taxable wages, for his first year of liability, one and one-tenth percent (1.1%) of taxable wages for his second year of liability, and one and two-tenths percent (1.2%) of taxable wages for his third and subsequent years of liability unless the employer's experience-rating record has been chargeable throughout at least the twelve (12) consecutive calendar months ending on the most recent computation date at the time the rate for a year is determined; thereafter the employer's contribution rate shall be determined in accordance with the provisions of Section 71-5-355.

(b) Notwithstanding the newly subject employer contribution rate provided for in paragraph (a) of this subsection, the contribution rate of all newly subject employers shall be reduced by seven one-hundredths of one percent (.07%) for calendar year 2013 only. The contribution rate of all newly subject employers shall be reduced by three one-hundredths of one percent (.03%) for calendar year 2014 only. For purposes of this chapter, "newly subject employers" means employers whose unemployment insurance experience-rating record has not been chargeable throughout at least the twelve (12) consecutive calendar months ending on the most recent computation date at the time the contribution rate for a year is determined.

(2) (a) (i) There is hereby created in the Treasury of the State of Mississippi special funds to be known as the "Mississippi Workforce Enhancement Training Fund" and the "Mississippi Works Fund" which consist of funds collected pursuant to subsection (3) of this section.

(ii) Funds collected shall initially be deposited into the Mississippi Department of Employment Security bank account for clearing contribution collections and subsequently appropriate amounts shall be transferred to the Mississippi Workforce Investment and Training Fund Holding Account described in Section 71-5-453. In the event any employer pays an amount insufficient to cover the total contributions due, the amounts due shall be satisfied in the following order:

1. Unemployment contributions;

2. Mississippi Workforce Enhancement Training contributions, State Workforce Investment contributions and the Mississippi Works contributions, known collectively as the Mississippi Workforce Investment and Training contributions, on a pro rata basis;

3. Interest and damages; then

4. Legal and processing costs.

The amount of unemployment insurance contributions due for any period will be the amount due according to the actual computations unless the employer is participating in the MLPP. In that event, the amount due is the MLPP amount computed by the department.

Cost of collection and administration of the Mississippi Workforce Enhancement Training contribution, the State Workforce Investment contribution and the Mississippi Works contribution shall be allocated based on a plan approved by the United States Department of Labor (USDOL). The Mississippi Community College Board shall pay the cost of collecting the Mississippi Workforce Enhancement Training contributions, the State Workforce Investment Board shall pay the cost of collecting the State Workforce Investment contributions and the Mississippi Department of Employment Security shall pay the cost of collecting the Mississippi Works contributions. Payments shall be made semiannually with the cost allocated to each based on a USDOL approved plan on a pro rata basis, for periods ending in June and December of each year. Payment shall be made by each organization to the department no later than sixty (60) days after the billing date. Cost shall be allocated under the USDOL's approved plan and in the same ratio as each contribution type represents to the total authorized by subparagraph (ii) * * *2 of this paragraph to be collected for the period.

(b) Mississippi Workforce Enhancement Training contributions and State Workforce Investment contributions shall be distributed as follows:

(i) For calendar year 2014, ninety-four and seventy-five one-hundredths percent (94.75%) shall be distributed to the Mississippi Workforce Enhancement Training Fund and the remainder shall be distributed to the State Workforce Investment Board bank account;

(ii) For calendar years subsequent to calendar year 2014, ninety-three and seventy-five one-hundredths percent (93.75%) shall be distributed to the Mississippi Workforce Enhancement Training Fund and the remainder shall be distributed to the State Workforce Investment Board bank account;

(iii) Workforce Enhancement Training contributions and State Workforce Investment contributions for calendar years 2014 and 2015 shall be distributed as provided in subparagraphs (i) and (ii) of this paragraph regardless of when the contributions were collected.

(c) All contributions collected for the State Workforce Enhancement Training Fund, the State Workforce Investment Fund and the Mississippi Works Fund will be initially deposited into the Mississippi Department of Employment Security bank account for clearing contribution collections and subsequently transferred to the Workforce Investment and Training Holding Account and will be held by the Mississippi Department of Employment Security in such account for a period of not less than thirty (30) days. After such period, the Mississippi Workforce Enhancement Training contributions shall be transferred to the Mississippi Community

College Board Treasury Account, the State Workforce Investment contributions and the Mississippi Works contributions shall be transferred to the Mississippi Department of Employment Security Mississippi Works Treasury Account in the same ratio as each contribution type represents to the total authorized by paragraph (a)(ii) * * *2 of this subsection to be collected for the period and within the time frame determined by the department; however, except in cases of extraordinary circumstances, these funds shall be transferred within fifteen (15) days. Interest earnings or interest credits on deposit amounts in the Workforce Investment and Training Holding Account shall be retained in the account to pay the banking costs of the account. If after the period of twelve (12) months interest earnings less banking costs exceeds Ten Thousand Dollars ($10,000.00), such excess amounts shall be transferred to the respective accounts within thirty (30) days following the end of each calendar year on the basis described in paragraph (b) of this subsection. Interest earnings and/or interest credits for the State Workforce Investments funds shall be used for the payment of banking costs and excess amounts shall be used in accordance with the rules and regulations of the State Workforce Investment Board expenditure policies.

(d) All enforcement procedures for the collection of delinquent unemployment contributions contained in Sections 71-5-363 through 71-5-383 shall be applicable in all respects for collections of delinquent unemployment insurance contributions designated for the Unemployment Compensation Fund, the Mississippi Workforce Enhancement Training Fund, the State Workforce Investment Board Fund and the Mississippi Works Fund.

(e) (i) Except as otherwise provided for in this subparagraph (i), all monies deposited into the Mississippi Workforce Enhancement Training Fund Treasury Account shall be utilized exclusively by the Mississippi Community College Board in accordance with the Workforce Training Act of 1994 (Section 37-153-1 et seq.), policies approved by the Mississippi Community College Board and the annual plan developed by the State Workforce Investment Board for the following purposes: to provide training at no charge to employers and employees in order to enhance employee productivity. Such training may be subject to a minimal administrative fee to be paid from the Mississippi Workforce Enhancement Training Fund as established by the State Workforce Investment Board subject to the advice of the Mississippi Community College Board. The initial priority of these funds shall be for the benefit of existing businesses located within the state. Employers may request training for existing employees and/or newly hired employees from the Mississippi Community College Board. The Mississippi Community College Board will be responsible for approving the training. A portion of the funds collected for the Mississippi Workforce Enhancement Training Fund shall be used for the development of performance measures to measure the effectiveness of the use of the Mississippi Workforce

Enhancement Training Fund dollars. These performance measures shall be uniform for all community colleges and shall be reported to the Governor, Lieutenant Governor and members of the Legislature. Nothing in this section or elsewhere in law shall be interpreted as giving the State Workforce Investment Board authority to direct the Mississippi Community College Board or individual community or junior colleges on how to expend money for workforce training, whether such money comes from the Mississippi Workforce Enhancement Training Fund, is appropriated by the Legislature to the Mississippi Community College Board for workforce training or comes from other sources. The Mississippi Community College Board, individual community or junior colleges and the State Workforce Investment Board shall cooperate with each other and with other state agencies to promote effective workforce training in Mississippi. Any subsequent changes to these performance measures shall also be reported to the Governor, Lieutenant Governor and members of the Legislature. A performance report for each community college, based upon these measures, shall be submitted annually to the Governor, Lieutenant Governor and members of the Legislature.

(ii) Except as otherwise provided in this paragraph (e), all funds deposited into the State Workforce Investment Board bank account shall be used for administration of State Workforce Investment Board business, grants related to training, and other projects as determined appropriate by the

State Workforce Investment Board and shall be nonexpiring. Policies for grants and other projects shall be approved through a majority vote of the State Workforce Investment Board.

(iii) All funds deposited into the Mississippi Department of Employment Security Mississippi Works Fund shall be disbursed exclusively by the Executive Director of the Mississippi Department of Employment Security, in accordance with the rules and regulations promulgated by the State Workforce Investment Board Rules Committee in support of workforce training activities approved by the Mississippi Development Authority in support of economic development activities. Funds allocated by the executive director under this subparagraph (iii) shall only be utilized for the training of unemployed persons, for immediate training needs for the net new jobs created by an employer, for the retention of jobs or to create a work-ready applicant pool of Mississippians with credentials and/or postsecondary education in accordance with the state's Workforce Investment and Opportunity Act plan. The executive director shall give priority to the training of unemployed persons. Not more than twenty-five percent (25%) of the funds may be allocated for the retention of jobs and/or creation of a work-ready applicant pool. Not more than Five Hundred Thousand Dollars ($500,000.00) may be allocated annually for the training needs of any one (1) employer. The Mississippi Public Community College System and its partners shall be the primary entities to facilitate training. In no case shall these funds be used to supplant workforce funds available from any other sources, including, but not limited to, local, state or federal sources that are available for workforce training and development. Training conducted utilizing these Mississippi Works funds may be subject to a minimal administrative fee to be paid from the Mississippi Works Fund as authorized by the Mississippi Department of Employment Security. All costs associated with the administration of these funds shall be reimbursed to the Mississippi Department of Employment Security from the Mississippi Works Fund.

(iv) 1. The Department of Employment Security shall be the fiscal agent for the receipt and disbursement of all funds in the State Workforce Investment Board bank account.

2. In managing the State Workforce Investment Board bank account, the department shall ensure that any funds expended for contractual services rendered to the State Workforce Investment Board shall be paid only to service providers who have been selected on a competitive basis. Any contract for services entered into using funds from the Workforce Investment Fund bank account shall contain the deliverables stated in terms that allow for the assessment of work performance against measurable performance standards and shall include milestones for completion of each deliverable under the contract. For each contract for services entered into by the State Workforce Investment Board, the board shall develop a quality assurance surveillance plan that

specifies quality control obligations of the contractor as well as measurable inspection and acceptance criteria corresponding to the performance standards contained in the contract's statement of work.

3. Any commodities procured for the board shall be procured in accordance with the provisions of Section 31-7-13.

(v) In addition to other expenditures, the department shall expend from the State Workforce Investment Board bank account for the use and benefit of the State Workforce Investment Board, such funds as are necessary to prepare and develop a study of workforce development needs that will consist of the following:

1. An identification of the state's workforce development needs through a well-documented quantitative and qualitative analysis of:

a. The current and projected workforce training needs of existing and identified potential Mississippi industries, with priority given to assessing the needs of existing in-state industry and business. Where possible, the analysis should include a verification and expansion of existing information previously developed by workforce training and service providers, as well as analysis of existing workforce data, such as the data collected through the Statewide Longitudinal Data System.

b. The needs of the state's workers and residents requiring additional workforce training to improve their work skills in order to compete for better employment opportunities, including a priority-based analysis of the critical factors currently limiting the state's ability to provide a trained and ready workforce.

c. The needs of workforce service and training providers in improving their ability to offer industry-relevant training, including an assessment of the practical limits of keeping training programs on the leading edge and eliminating those programs with marginal workforce relevance.

2. An assessment of Mississippi's current workforce development service delivery structure relative to the needs quantified in this subparagraph, including:

a. Development of a list of strengths/weaknesses/opportunities/threats (SWOT) of the current workforce development delivery system relative to the identified needs;

b. Identification of strategic options for workforce development services based on the results of the SWOT analysis; and

c. Development of results-oriented measures for each option that can be baselined and, if implemented, tracked over time, with quantifiable milestones and goals.

3. Preparation of a report presenting all subjects set out in this subparagraph to be delivered to the Lieutenant Governor, Speaker of the House of Representatives, Chairman of the Senate Finance Committee and Chairman of the House Appropriations Committee no later than February 1, 2015.

4. Following the preparation of the report, the State Workforce Investment Board shall make a recommendation to the House and Senate Appropriations Committees on future uses of funds deposited to the State Workforce Investment Fund account. Such future uses may include:

a. The development of promotion strategies for workforce development programs;

b. Initiatives designed to reduce the state's dropout rate including the development of a statewide career awareness program;

c. The long-term monitoring of the state's workforce development programs to determine whether they are addressing the needs of business, industry, and the workers of the state; and

d. The study of the potential restructuring of the state's workforce programs and delivery systems.

(3) (a) (i) Mississippi Workforce Enhancement Training contributions and State Workforce Investment contributions shall be collected at the following rates:

1. For calendar year 2014 only, the rate of nineteen one-hundredths of one percent (.19%) based upon taxable wages of which eighteen one-hundredths of one percent (.18%) shall be the Workforce Enhancement Training contribution and one-hundredths of one percent (.01%) shall be the State Workforce Investment contribution; and

2. For calendar year 2015 only, the rate of sixteen one-hundredths of one percent (.16%), based upon taxable wages of which fifteen one-hundredths of one percent (.15%) shall be the Workforce Enhancement Training contribution and one-hundredths of one percent (.01%) shall be the State Workforce Investment contribution.

(ii) Mississippi Workforce Enhancement Training contributions, State Workforce Investment contributions and Mississippi Works contributions shall be collected at the following rates:

1. For calendar year 2016 only, at a rate of twenty-four one-hundredths percent (.24%), based upon taxable wages, of which fifteen one-hundredths percent (.15%) shall be the Workforce Enhancement Training contribution, one-hundredths of one percent (.01%) shall be the State Workforce Investment contribution and eight one-hundredths percent (.08%) shall be the Mississippi Works contribution.

2. For calendar years subsequent to calendar year 2016, at a rate of twenty one-hundredths percent (.20%),

based upon taxable wages, of which fifteen one-hundredths percent (.15%) shall be the Workforce Enhancement Training contribution, one-hundredths of one percent (.01%) shall be the State Workforce Investment contribution and four one-hundredths percent (.04%) shall be the Mississippi Works contribution. The Mississippi Works contribution shall be collected for calendar years in which the general experience ratio, adjusted on the basis of the trust fund adjustment factor and reduced by fifty percent (50%), results in a general experience rate of less than two-tenths percent (.2%). In all other years the Mississippi Works contribution shall not be in effect.

(iii) The Mississippi Workforce Enhancement Training Fund contribution, the State Workforce Investment contribution and the Mississippi Works contribution shall be in addition to the general experience rate plus the individual experience rate of all employers but shall not be charged to reimbursing or rate-paying political subdivisions or institutions of higher learning, or reimbursing nonprofit organizations, as described in Sections 71-5-357 and 71-5-359.

(b) All Mississippi Workforce Enhancement Training contributions, State Workforce Investment contributions and Mississippi Works contributions collected shall be deposited initially into the Mississippi Department of Employment Security bank account for clearing contribution collections and shall within two (2) business days be transferred to the Workforce

Investment and Training Holding Account. Any Mississippi Workforce Enhancement Training Fund and/or State Workforce Investment Board bank account and/or Mississippi Works Fund transactions from the Mississippi Department of Employment Security bank account for clearing contribution collections that are deposited into the Workforce Investment and Training Fund Holding Account and are not honored by a financial institution will be transferred back to the Mississippi Department of Employment Security bank account for clearing contribution collections out of funds in the Mississippi Workforce Investment and Training Fund Holding Account.

(c) Suspension of the Workforce Enhancement Training Fund contributions required pursuant to this chapter shall occur if the insured unemployment rate exceeds an average of five and five-tenths percent (5.5%) for the three (3) consecutive months immediately preceding the effective date of the new rate year following such occurrence and shall remain suspended throughout the duration of that rate year. Such suspension shall continue until such time as the three (3) consecutive months immediately preceding the effective date of the next rate year that has an insured unemployment rate of less than an average of four and five-tenths percent (4.5%). Upon such occurrence, reactivation shall be effective upon the first day of the rate year following the event that lifts suspension and shall be in effect for that year and shall continue until such time as a subsequent suspension event as described in this chapter occurs.

(d) Notwithstanding any other provision contained herein, contribution collections for the State Workforce Investment Fund, Mississippi Works Fund and Mississippi Workforce Enhancement Training Fund shall not be suspended, under any circumstances, for tax rate year 2021, and the resulting contribution rate of twenty one-hundredths percent (.20%) shall be added to the employer's general and individual experience rate to obtain the total unemployment insurance rate for 2021.

(4) All collections due or accrued prior to any suspension of the Mississippi Workforce Enhancement Training Fund will be collected based upon the law at the time the contributions accrued, regardless of when they are actually collected.

SECTION 3. This act shall take effect and be in force from and after July 1, 2020.

Mississippi Legislature
2020 Regular Session

Senate Bill 3052

Description: Driver's licenses; credit time of inability to apply due to COVID-19 closures toward period for holding prerequisite permit.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: None
Revenue: No
Vote type required: Majority
Effective date: July 1, 2020
Suspension measure: HC 69

History of Actions:

1	06/29	Suspend from Deadlines by HC 69
2	06/29	(S) Referred To Highways and Transportation
3	06/29	(S) Title Suff Do Pass Comm Sub
4	06/30	(S) Committee Substitute Adopted
5	06/30	(S) Passed {Vote}
6	06/30	(S) Immediate Release
7	06/30	(S) Transmitted To House
8	06/30	(H) Referred To Rules
9	07/01	(H) Title Suff Do Pass
10	07/01	(H) Passed {Vote}
11	07/01	(H) Immediate Release
12	07/01	(H) Returned For Enrolling
13	07/02	(S) Enrolled Bill Signed
14	07/02	(H) Enrolled Bill Signed
15	07/08	Approved by Governor

Code Section: A 063-0001-0009, A 025-0015-0409

----- Additional Information -----

Senate Committee: Highways and Transportation
House Committee: Rules

Principal Author: Fillingane

Title: AN ACT TO AMEND SECTION 63-1-9, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE SHORTENING OF THE REQUISITE PERIOD FOR POSSESSION OF A LEARNER'S PERMIT OR INTERMEDIATE LICENSE, IN CERTAIN CIRCUMSTANCES INVOLVING COVID-19 CLOSURES, BEFORE AN APPLICANT MAY QUALIFY FOR AN INTERMEDIATE LICENSE OR DRIVER'S

LICENSE, RESPECTIVELY; TO AMEND SECTION 7, CHAPTER 467, LAWS OF 2019, TO REVISE THE EFFECTIVE DATE OF THE MISSISSIPPI FIRST RESPONDERS HEALTH AND SAFETY ACT; TO AMEND SECTION 25-15-409, MISSISSIPPI CODE OF 1972, TO REVISE THE DATE BY WHICH THE STATE, MUNICIPALITY, COUNTY OR FIRE PROTECTION DISTRICT MUST SHOW PROOF OF INSURANCE COVERAGE THAT MEETS THE REQUIREMENTS OF THE MISSISSIPPI FIRST RESPONDERS HEALTH AND SAFETY ACT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Fillingane

To: Highways and Transportation

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 3052

AN ACT TO AMEND SECTION 63-1-9, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE SHORTENING OF THE REQUISITE PERIOD FOR POSSESSION OF A LEARNER'S PERMIT OR INTERMEDIATE LICENSE, IN CERTAIN CIRCUMSTANCES INVOLVING COVID-19 CLOSURES, BEFORE AN APPLICANT MAY QUALIFY FOR AN INTERMEDIATE LICENSE OR DRIVER'S LICENSE, RESPECTIVELY; TO AMEND SECTION 7, CHAPTER 467, LAWS OF 2019, TO REVISE THE EFFECTIVE DATE OF THE MISSISSIPPI FIRST RESPONDERS HEALTH AND SAFETY ACT; TO AMEND SECTION 25-15-409, MISSISSIPPI CODE OF 1972, TO REVISE THE DATE BY WHICH THE STATE, MUNICIPALITY, COUNTY OR FIRE PROTECTION DISTRICT MUST SHOW PROOF OF INSURANCE COVERAGE THAT MEETS THE REQUIREMENTS OF THE MISSISSIPPI FIRST RESPONDERS HEALTH AND SAFETY ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-1-9, Mississippi Code of 1972, is amended as follows:

63-1-9. (1) No driver's license, intermediate license or regular learner's permit shall be issued pursuant to this article:

(a) To any person under the age of eighteen (18) years except as provided in this article.

(b) To any person whose license to operate a motor vehicle on the highways of Mississippi has been previously revoked or suspended by this state or any other state or territory of the

United States or the District of Columbia, if the revocation or suspension period has not expired.

(c) To any person who is an habitual drunkard or who is addicted to the use of other narcotic drugs.

(d) To any person who would not be able by reason of physical or mental disability to operate a motor vehicle on the highways with safety. However, persons who have one (1) arm or leg, or have arms or legs deformed, and are driving a car provided with mechanical devices whereby the person is able to drive in a safe manner over the highways, if otherwise qualified, shall receive an operator's license the same as other persons. Moreover, deafness shall not be a bar to obtaining a license.

(e) To any person as an operator who has previously been adjudged to be afflicted with and suffering from any mental disability and who has not at time of application been restored to mental competency.

(f) To any unmarried person under the age of eighteen (18) years who does not at the time of application present a diploma or other certificate of high school graduation or a general educational development certificate issued to the person in this state or any other state; or on whose behalf documentation has not been received by the Department of Public Safety from that person or a school official verifying that the person:

(i) Is enrolled and making satisfactory progress in a course leading to a general educational development certificate;

(ii) Is enrolled in school in this state or any other state;

(iii) Is enrolled in a "nonpublic school," as such term is defined in Section 37-13-91(2)(i); or

(iv) Is unable to attend any school program due to circumstances deemed acceptable as set out in Section 63-1-10.

(g) To any person under the age of eighteen (18) years who has been convicted under Section 63-11-30.

(2) All permits and licenses issued on or before July 31, 2009, shall be valid according to the terms upon which issued. From and after August 1, 2009:

(a) A regular learner's permit may be issued to any person who is at least fifteen (15) years of age who otherwise meets the requirements of this article.

(b) An intermediate license may be issued to any person who is at least sixteen (16) years of age who otherwise meets the requirements of this article and who has held a regular learner's permit for at least one (1) year without any conviction under Section 63-11-30 or of a moving violation. Any conviction under Section 63-11-30 or of a moving violation shall restart the one-year requirement for the holding of a regular learner's permit before an applicant can qualify for an intermediate license. An applicant for an intermediate license who was unable to make timely application in 2020 for a regular learner's permit, due to the closure of driver's license offices owing to the Coronavirus Disease 2019 (COVID-19), shall have the period in which he or she was eligible but unable to apply credited toward the one-year requirement for the holding of a regular learner's permit.

(c) A driver's license may be issued to any person who is at least sixteen and one-half (16-1/2) years of age who otherwise meets the requirements of this article and who has held an intermediate license for at least six (6) months without any conviction under Section 63-11-30 or of a moving violation. Any conviction under Section 63-11-30 or of a moving violation shall restart the six-month requirement for the holding of an intermediate license before an applicant can qualify for a driver's license. However, a person who is at least seventeen (17) years of age who has been issued a regular learner's permit and who has never been convicted under Section 63-11-30 or of a moving violation shall not be required to have held an intermediate license. An applicant for a driver's license who was unable to make timely application in 2020 for an intermediate license, due to the closure of driver's license offices owing to the Coronavirus Disease 2019 (COVID-19), shall have the period in which he or she was eligible but unable to apply credited toward the six-month requirement for the holding of an intermediate license.

(d) An applicant for a Mississippi driver's license who, at the time of application, is at least sixteen and one-half (16-1/2) years of age and who has held a valid motor vehicle driver's license issued by another state for at least six (6) months shall not be required to hold a regular learner's permit or an intermediate license before being issued a driver's license.

(3) The commissioner shall ensure that the regular learner's permit, intermediate license and driver's license issued under this article are clear, distinct and easily distinguishable from one another.

SECTION 2. Section 7, Chapter 467, Laws of 2019, which provides for the effective date of the Mississippi First Responders Health and Safety Act, is amended as follows:

Section 7. This act shall take effect and be in force from and after July 1, * * * 2022.

SECTION 3. Section 25-15-409, Mississippi Code of 1972, is amended as follows:

25-15-409. (1) The state, municipality, county or fire protection district shall, no later than January 1, * * * 2023, show proof of insurance coverage that meets the requirements of this article to the * * * Commissioner of Insurance, or shall show satisfactory proof of the ability to pay such compensation to ensure adequate coverage for all eligible first responders.

(2) The * * * Commissioner of Insurance shall adopt such rules and regulations as are reasonable and necessary to implement

the provisions of this article. Such regulations shall include the process by which a first responder files a claim for cancer and the process by which claimants can appeal a denial of benefits.

(3) The * * * Commissioner of Insurance shall adopt rules to establish firefighter cancer prevention best practices as it relates to personal protective equipment, decontamination, fire suppression, apparatus and fire stations.

SECTION 4. This act shall take effect and be in force from and after July 1, 2020.

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